

California Department of Corrections and Rehabilitation

Office of Audits and Compliance



Operational Peer Review

Salinas Valley State Prison

March 23 through March 27, 2009

TABLE OF CONTENTS

	<u>SECTION</u>
Executive Summary	
Administrative Segregation and Due Process.....	1
Business Services.....	2
Information Security	3
Education Programs	4
Inmate Appeals	5
Administrative Segregation Bed Utilization	6
Radio Communications	7
Case Records	8
██████████	9
██████████████████	10
Risk Management Programs.....	11

OFFICE OF AUDITS AND COMPLIANCE

SALINAS VALLEY STATE PRISON

EXECUTIVE SUMMARY

The Office of Audits and Compliance, in conjunction with various teams, conducted an audit of Administrative Segregation (Ad Seg) and Due Process, Business Services, Information Security, Inmate Appeals, Inmate Education Programs, Lethal Electrified Fence (LEF), Ad Seg Bed Utilization, Case Records, Armory Operations and Risk Management at Salinas Valley State Prison (SVSP). The audit was performed during the period of March 23 through March 27 2009. The purpose of the audit was to determine SVSP compliance with state, federal, and departmental rules, regulations, policies, and procedures.

Preliminary audit reports were prepared for each of the audited areas. This executive summary identifies the significant issues identified in each of the preliminary reports. For more information on the areas of interest, please see the detail preliminary report. The Office of Audits and Compliance requested that SVSP provide a corrective action plan 30-days from the date of the preliminary report.

A summary of the significant issues is as follows:

Administrative Segregation and Due Process

Areas of concern were found in the following areas:

- **Fire Drills.** Of the 48 required simulated fire drills, documentation was present to verify that 17 (35 percent) have been conducted.
- **The Inmate Segregation Profile (CDC 114-A1) is Updated Every 90 Days.** The review revealed that in a random sample of 80 CDC 114-A1s, 27 were not ratable as the inmate had not been on Administrative Segregation (Ad Seg) status for a period of time long enough to require a 90-day update. Of the 53 ratable CDC 114-A1s reviewed, 31 (58 percent) were updated as appropriate. The 22 remaining CDC 114-A1s were not updated as required.
- **Confidential Material.** Of 30 records reviewed, 24 were not ratable as the reason(s) for Ad Seg placement was not based upon confidential information. Of the 6 ratable records, 5 (83 percent) included an appropriate Confidential Disclosure Form (CDC 1030) issued within the required time frames. The 1 remaining record contained a CDC 1030 that was issued five days after Information Classification Committee (ICC) had been held.
- **Administrative Review.** Of the 30 records reviewed, 22 (73 percent) contained documentation of a placement review by a Captain within the first working day

following the inmate's placement in Ad Seg. Of the 8 remaining records, 2 documented a late review by a Captain (1 day late), 3 records documented a late counter signature by an Associate Warden (AW) when the review was conducted by an acting Captain (1 to 7 days late), 1 record did not contain a countersignature by the AW as appropriate, 1 record contained a late review by an acting Captain (1 day) with a late countersignature by the AW (1 day), and 1 record documented a late review by an acting Captain (4 days) with no AW countersignature.

- **Staff Assistant (SA)/Investigative Employee (IE) on the Administrative Segregation Unit Placement Notice (CDC 114-D).** Of the 30 records reviewed, 26 (87 percent) contained documentation of a determination for the assignment of a SA/IE. The 4 remaining records did not indicate if the assignment of a SA/IE was warranted.
- **Witnesses Addressed on the CDC 114-D.** Of the 30 records reviewed, 22 (73 percent) contained documentation regarding the need for witnesses. The 8 remaining records left this section blank.
- **Inmate Waiver of Time Limitations.** Of the 30 records reviewed, 13 (43 percent) contained documentation that the inmate made a determination regarding the 72-hour time limit or had refused to sign the waiver section. Of the 17 remaining records, 11 documented a waiver of the 72-hour preparation time absent an inmate signature, 5 records documented "Nothing to Waive," and 1 record left this section blank.
- **Witnesses Addressed on the Classification Chrono (CDC 128-G).** Of the 30 records reviewed, 24 were not ratable as the need for witnesses was properly documented on the CDC 114-D or the inmate had attended ICC so recently, the CDC 128-G had not yet been typed. Of the 6 ratable records, 2 (33 percent) contained documentation regarding the need for witnesses on the CDC 128-G when the information was not otherwise properly documented on the CDC 114-D. The 4 remaining records did not contain this information.
- **Post Order—Firearms.** The review revealed that there are 16 identified gun posts (11 Control Booths and 5 yard guns) that require use of force policies be addressed as part of the post orders. Of the 16 armed posts, 11 (69 percent) directed the staff member to read, understand, and become familiar with California Code of Regulations (CCR), Title 15, Section 3268.

Business Services

Personnel:

An Account Clerk II, who works in the accounting office, has an indirect and close proximity reporting relationship to her sister who oversees the activities of the Accounting Office as the Correctional Business Manager I. DOM, Section 33010.25.

Impact: This condition could adversely affect or influence fair and impartial supervision and evaluation of employees.

Accounts Receivables (AR's) over 90 days are not always cleared in a timely manner. As of March 20, 2009, there were 272 AR's outstanding over 90 days. Of this amount, 126 had no corrective action taken to resolve the issue. Accounting Instructional Memorandum 99-09

Impact: This issue gives the appearance that the institution is giving interest free loans. Additionally, outstanding AR's become increasingly difficult to resolve.

Custody staff did not forward the Employee Attendance Records and PALS Worksheet (CDCR 998-A's) to the Personnel Office in a timely manner. For example, as of March 2009, there were 360 CDCR 998-A's that were not forwarded to the personnel office for processing. AB 04-01

Impact: These issues could result in establishing unnecessary accounts receivables. Also, it creates additional workload.

Information Security

Staff and Inmate anti-virus updates are not current. Additionally, Staff security patches are not current.

Inmate Appeals

SVSP is 95 percent compliant. Only minor issues exist.

Inmate Education Programs

Academic Education:

Several teachers were not using the approved California Department of Corrections and Rehabilitation approved curriculum.

There is a general lack of understanding among the teachers as to when it is appropriate to issue certificates of completion or certificates of achievement. Several teachers do not have lesson plans that reflect the new California Department of Corrections and Rehabilitation core curriculum. Some teachers are lacking all or some core materials needed to use the core curriculum.

Most teachers were unaware that they were to be giving and recording credits for student coursework. Most teachers were very positive about giving their students credits for completed work.

A few of the teachers were unfamiliar with the Test of Adult Basic Education (TABE) locator test which is used to identify the appropriate testing level. The Distance Learning teachers do not use the Office of Correctional Education curriculum for the General Education Development program. (Repeated from Feb. 2008)

The Physical Education Teacher does not have a current or comprehensive activity schedule for any recreation or physical education program. The teacher indicated that physical education activities are handled by the recreation officer and officer's clerks on each yard. The Physical Education teacher does not provide physical education classes or training programs. The Physical Education teacher does not provide recreation activities for the Special Needs population. The Physical Education teacher does not provide organized health education, physical fitness training classes, or recreational activities geared to the geriatric population.

Vocational Education:

On "E" yard the students arrive at approximately 0900 hours until 1100 hours and again from 1300 hours until 1500 hours, for a total of four hours student contact time out of the required 6.5 hours.

The teachers were unaware they could issue elective credits. They felt it was a great idea. Students do not have the opportunity to learn the hands-on portion of the curriculum. Currently, the teachers are only able to provide the written portions related to their respective trades. The teachers are not documenting that a core set of literacy materials is incorporated for inmates reading below the 9.0 grade point level. (Repeated from Feb. 2008)

The teachers were not documenting the formal related classroom training. They both are providing the training but need to document a minimum of four hours each week. The teachers are unable to issue trade certifications due to the lack of hand-on training and experience for their students. The teachers were unaware of the TABE locator test and its use to identify the appropriate test level. (Repeated from Feb. 2008)

Lethal Electrified Fence

SVSP is 90 percent compliant. Only minor issues exist (e.g. Staff did not use the required eye protection during the emergency response drill).

Administrative Segregation Bed Utilization

This review is presented in four separate case groups (i.e. Disciplinary Process, Incident Report Processing, Safety Concerns Investigation, and Prison Gang Investigation).

Disciplinary Process:

- 1) Hearing to Facility Captain Review: Time from the date of the Rules Violation Report (RVR) hearing to the date the RVR was audited by the Facility Captain ranged from 4 day to 31 days. Of the cases reviewed, 9.5 percent met the 5 day expectation. According to the Deputy Director memorandum dated March 26, 2003, the expectation is this time will be within 5 working days.

- 2) Facility Captain to Chief Disciplinary Officer Review: Time from the date the RVR was audited by the Facility Captain to the date the RVR was audited by the Chief Disciplinary Officer (CDO) ranged from 1 day to 10 days. Of the cases reviewed, 42 percent met the expectation. According to the Deputy Director memorandum dated March 26, 2003, the expectation is this time will be within 3 working days.
- 3) Chief Disciplinary Officer to Institution Classification Committee (ICC) review: Time from date the CDO audited the RVR to the case being reviewed by the ICC for the RVR ranged from 3 days to 84 days. Of the cases reviewed, 44 percent met the expectation. According to the California Code of Regulation (CCR 3335)(d) (1) (2), upon resolution an ICC shall review the inmate's case within 14 days.

Incident Reporting Processing:

- 1) Incident Date to ISU Receipt of Incident Report: Date from incident occurrence to the date ISU received the Incident Report ranged from 10 day to 95 days. Of the cases reviewed, 8percent met this expectation. According to the Deputy Director's memorandum dated March 26, 2003, the complete package will be presented to ISU within 21 calendar days.
- 2) ISU Receipt of Incident Report to Referral to DA/ISU Screen out: Date from ISU receipt of Incident Report to referral to District Attorney (DA) or ISU screen out ranged from 4 day to 98 days. According to the Deputy Director memorandum dated March 26, 2003, the expectation is the time should not exceed 5 working days.
- 3) DA Referral to Resolution: Date from (DA) referral to either rejection or acceptance of the case ranged from 13 days to 54 days. This is one area that the institution has no definitive control over, however, it is suggested that the institution work closely with the DA's office to track the decision making process to resolution of either acceptance of the case for prosecution or rejection of the case for prosecution.

Safety Concern Investigations:

There were 6 cases reviewed that were place in Administrative Segregation based on the need for investigation of safety concerns.

- 1) Investigation initiation to Completion: Time from the date of referral to staff for investigation to the date the investigation was concluded ranged from 27 days to 100 days. Of the cases reviewed, 28.6 percent met the expectation. According to the Deputy Director's memorandum dated March 26, 2003 the expectation is this time should not exceed 30 calendar days.
- 2) Investigation Completion to ICC Review: Time from conclusion of the investigation to ICC review of investigation results ranged from 6 days to 66

days. Of the cases reviewed, 25 percent met the expectation. According to CCR 3335(d) (1) (2), upon resolution an ICC shall review the inmate's case within 14 days.

Prison Gang Investigation:

There were seven cases reviewed that were placed in Ad Seg based on Gang Investigation/Validation/Debriefing.

ASU Placement to Referral to Institution Gang Investigator (IGI) for Investigation: Days from ASU placement to IGI investigation assignment being received by IGI ranged from 7 day to 62 days, with an average time of 5 days.

Initiation of IGI investigation to Conclusion of Investigation: Days from IGI investigation assignment to receipt of completed investigation ranged from 27 days to 151 days.

Case Records

Holds, Warrants, and Detainers: In the Holds, Warrants and Detainer (HWD) portion of the audit, 19 components were reviewed. There were 4 areas listed below that need to be brought into compliance with the current policies and procedures as indicated in the above review portion of this report:

- Time frames between initiating the Detainer Summary CDC 850 and forwarding the inquiry to the appropriate law enforcement agency.
- Completing the CDC 661 Detainer Memorandum with the appropriate option to the inmate, including but not limited to, Penal Codes, Sections 1381, 1389 and 1203.02(a).
- Follow guidelines as outlined in the current desk procedures for the Extradition process.
- Training for staff responsible for:
 - Initiating a CDC 850 to complete the CDC 850 appropriately.
 - Receiving any hold, warrants, or detainer information to ensure that documents are date and time stamped upon receipt.
 - Ensuring that computerized system (ARDTS/OBIS) are updated to reflect a hold, warrant, and detainer information on inmates who were dropped upon parole.
 - Tracking the time server's to ensure that the information is appropriately deleted or removed from the computerized system (ARDTS/OBIS) when necessary.
 - Reviewing HWD information to ensure compliance with policy and procedures relative to the accuracy of that information entered into the computerized system.

Armory Operations

SVSP is 90 percent compliant. Only minor issues exist.

Risk Management

Worker's Compensation – Inmate Claims

- The Return-to-Work Coordinator is not familiar with the necessary Labor Codes related to the inmate workers' compensation claims.
- Log 300 is not posted for inmate claims at the end of the year.
- Appropriate Workers' Compensation claim information is not being maintained in the inmate's Central File (C-File.)

Office of Audits and Compliance

Salina Valley State Prison

GLOSSARY

Ad Seg	Administrative Segregation
AR	Accounts Receivable
ARDTS	Automated Release Date Tracking System
ASU	Administrative Segregation Unit
AW	Associate Warden
CATS	Central Armory Tracking System
CCR	California Code of Regulations
CDC 850	Detainer Summary
CDC 1030	Confidential Information Disclosure
CDC 114-A1	Inmate Segregation Profile
CDC 114-D	Administrative Segregation Unit Placement Notice
CDC 128-G	Witnesses on the Classification Chrono
CDC 998-A'S	Employee Attendance Records and PALS Worksheets
CDC Form 161	Warden's Checkout Order
CPU	Computer Processing Unit
DA	District Attorney
DOM	Department Operations Manual
HWD	Holds, Warrants, and Detainers
ICC	Information Classification Committee
IE	Investigative Employee
IGI	Institution Gang Investigator
ISU	Investigative Services Unit
IWL	Inmate/Ward Labor
LEF	Lethal Electrified Fence
OBIS	Offender Base Information Service
RVR	Rules Violation Report
SVSP	Salinas Valley State Prison
TBAE	Test of Basic Adult Education

CRCR 154
CDCR 128E
CDCR 655
KCHD
SAIE

Inmate Student Transcript
Education Chronos – Reporting Progress
Weapon Issue and Return
Staff Assistant/Investigative Employee

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF AUDITS AND COMPLIANCE

PROGRAM COMPLIANCE REVIEW

REPORT OF FINDINGS

ADMINISTRATIVE SEGREGATION
AND
DUE PROCESS

SALINAS VALLEY STATE PRISON

MARCH 23 THROUGH 27, 2009



PRELIMINARY

CONDUCTED BY

COMPLIANCE/PEER REVIEW BRANCH

TABLE OF CONTENTS

<u>SUBJECT</u>	<u>PAGE</u>
Introduction	I
Review Scope and Methodology	II
Compliance Rating by Subject Area	III
Executive Summary	IV
Summary Chart (Symbol Definitions)	VI
Summary Chart	VII
Comparative Statistical Summary Chart	XI
Narrative Section	
Summary of Facilities Reviewed	1
Conditions of Segregated Housing	1
Due Process	
Administration	
Glossary	

Review of Administrative Segregation and Due Process

Salinas Valley State Prison

INTRODUCTION

This review of administrative segregation (Ad Seg) operations and due process provisions at the Salinas Valley State Prison (SVSP) was conducted by the Adult Compliance/Peer Review Branch (ACPRB), Office of Audits and Compliance, between the dates of March 23-27, 2009. The review team utilized the California Penal Code (PC), California Code of Regulations (CCR), Title 15, California Department of Corrections and Rehabilitation's (CDCR) Department Operations Manual (DOM), CDCR's Use of Force Policy, Administrative Bulletins (AB) 95/3R and 99/03, and Information Bulletins (IB) as the primary sources of operational standards. In addition, applicable court-ordered minimum standards established under **Toussaint v. Gomez** were used in this review as a benchmark for litigation avoidance.

This review was conducted by Nancy Fitzpatrick, Associate Governmental Program Analyst, of the ACPRB with ad hoc assistance provided by Roger Groves, Correctional Captain and Linda McManus, Correctional Lieutenant, Avenal State Prison; John Soto, Facility Captain and A. J. Silva, Correctional Captain, Kern Valley State Prison; and Jeff Cronjager, Facility Captain and L. Marquez, Correctional Lieutenant, California Substance Abuse Treatment Facility and State Prison at Corcoran.

The review consisted of an on-site inspection, interviews with staff and inmates, reviews of procedures and other documentation, and observation of institutional operations.

The purpose of the ACPRB review is one of overall analysis and evaluation of the Institution's compliance with the terms and conditions of State regulations and court-established standards.

Each area was reviewed by a minimum of two primary reviewers and cross-verified by other members of the team as possible. Overall, findings presented in the attached report represent the consensus of the entire review team.

Review of Administrative Segregation and Due Process

Salinas Valley State Prison

REVIEW SCOPE AND METHODOLOGY

The ACPRB conducted an on-site review at SVSP during the period of March 23-27, 2009. The purpose of this review was to assess the level of compliance with established State regulations and court-established standards in the areas of Ad Seg operations and due process provisions. This review and the attached findings represent the formal review of SVSP's compliance by ACPRB.

The scope and methodology of this review was based upon written review procedures developed by the ACPRB and provided to SVSP's staff in advance of the review.

Random sampling techniques were employed as an intrinsic part of the review process.

For the purposes of this review, facilities were toured by members of the review team, cell and tier inspections were conducted in the units, and randomly selected inmates were informally interviewed based upon their interest and willingness to talk to the reviewers.

Throughout the tour, on-duty staff at all levels (medical, counseling, management, administration, custody, and non-custody) were interviewed regarding current practices.

A random sample of 30 central files was reviewed. Utilizing "point-in-time" methodology, files were evaluated against all administrative requirements pertaining to the documents contained in those files.

Review of Administrative Segregation and Due Process

Salinas Valley State Prison

COMPLIANCE RATING BY SUBJECT AREA

SECTION REVIEWED	NO. OF ITEMS REVIEWED	NO. OF ITEMS NOT RATABLE	NO. OF ITEMS IN NON-COMPLIANCE	NO. OF ITEMS IN COMPLIANCE	SECTION SCORE
Conditions of Segregated Housing	30	3	2	25	93%
Due Process	22	0	6	16	73%
Administration	10	0	1	9	90%

Review of Administrative Segregation and Due Process

Salinas Valley State Prison

EXECUTIVE SUMMARY

During this formal review of compliance with State regulations and court-established standards regarding Ad Seg operations and due process provisions at SVSP, the Facility was found to be in compliance with 50 (85 percent) of the 59 ratable areas. Three areas were found to be not ratable during this review.

Areas of concern were found in the following areas:

- **Fire Drills.** Of the 48 required simulated fire drills, documentation was present to verify that 17 (35 percent) have been conducted.
- **The Inmate Segregation Profile (CDC 114-A1) is Updated Every 90 Days.** The review revealed that in a random sample of 80 CDC 114-A1s, 27 were not ratable as the inmate had not been on Ad Seg status for a period of time long enough to require a 90-day update. Of the 53 ratable CDC 114-A1s reviewed, 31 (58 percent) were updated as appropriate. The 22 remaining CDC 114-A1s were not updated as required.
- **Confidential Material.** Of 30 records reviewed, 24 were not ratable as the reason(s) for Ad Seg placement was not based upon confidential information. Of the 6 ratable records, 5 (83 percent) included an appropriate Confidential Disclosure Form (CDC 1030) issued within the required time frames. The 1 remaining record contained a CDC 1030 that was issued five days after the Institution Classification Committee (ICC) hearing had been held.
- **Administrative Review.** Of the 30 records reviewed, 22 (73 percent) contained documentation of a placement review by a Captain within the first working day following the inmate's placement in Ad Seg. Of the 8 remaining records, 2 documented a late review by a Captain (1 day late), 3 records documented a late counter signature by an Associate Warden (AW) when the review was conducted by an acting Captain (1 to 7 days late), 1 record did not contain a countersignature by the AW as appropriate, 1 record contained a late review by an acting Captain (1 day) with a late countersignature by the AW (1 day), and 1 record documented a late review by an acting Captain (4 days) with no AW countersignature.

- **Staff Assistant (SA)/Investigative Employee (IE) on the Administrative Segregation Unit Placement Notice (CDC 114-D).** Of the 30 records reviewed, 26 (87 percent) contained documentation of a determination for the assignment of a SA/IE. The 4 remaining records did not indicate if the assignment of a SA/IE was warranted.
- **Witnesses Addressed on the CDC 114-D.** Of the 30 records reviewed, 22 (73 percent) contained documentation regarding the need for witnesses. The 8 remaining records left this section blank.
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- **Post Order—Firearms.** The review revealed that there are 16 identified gun posts (11 Control Booths and 5 yard guns) that require use of force policies be addressed as part of the post orders. Of the 16 armed posts, 11 (69 percent) directed the staff member to read, understand, and become familiar with CCR, Title 15, Section 3268.

A complete description of these finding areas may be found in the narrative section of this report.

Review of Administrative Segregation and Due Process

Salinas Valley State Prison

SUMMARY CHART (SYMBOL DEFINITIONS)

The following chart represents individual review findings in relation to the CCR, Title 15, DOM, PC, and ABs. In addition, applicable court-ordered minimum standards established under Toussaint v. Gomez are being used in this review as a benchmark for litigation avoidance.

Each of the items is rated as to whether or not the Institution is in compliance. The chart utilizes the following symbols to denote compliance ratings:

SYMBOL	DEFINITION
Compliance (C):	The requirement is being met.
Partial Compliance (P/C):	The institution is clearly attempting to meet the requirement, but significant discrepancies currently exist.
Noncompliance (N/C):	The institution is clearly not meeting the requirement.
Not Applicable (N/A):	Responsibility for compliance in this area is not within the authority of this institution.
Not Ratable (N/R):	No measurable instances.

At the end of the chart is a Comparative Statistical Summary Chart of Review Findings. This summary presents a mathematical breakdown of compliance by total items and percentages (%).

Review of Administrative Segregation and Due Process

Salinas Valley State Prison

SUMMARY CHART

REVIEW STANDARD	REVIEW FINDING 4/07	REVIEW FINDING 3/09	PAGE NO.
I. CONDITIONS OF SEGREGATED HOUSING			
1. Living Conditions.	C	C	1
a. Housekeeping and Maintenance.	C	C	2
b. Vector Control.	C	C	2
2. Restrictions.	C	C	3
3. Clothing.	C	C	3
4. Meals.	C	C	4
5. Mail.	C	C	4
6. Visits.	C	C	5
7. Personal Cleanliness.			
a. Showering.	C	C	5
b. Haircuts.	C	C	6
c. Laundry Items.	C	C	6
8. Exercise.	P/C	C	7
9. Reading Material.	C	C	7
10. Rule Changes.	C	C	8

REVIEW STANDARD	REVIEW FINDING 4/07	REVIEW FINDING 3/09	PAGE NO.
11. Telephones.	C	C	8
12. Institution Programs and Services.	C	C	9
13. Visitation and Inspection.	C	C	9
a. Medical Attention.	C	C	10
14. Management Cells.			
a. Placement.	N/R	N/R	10
b. Reporting.	N/R	N/R	11
c. Transfer.	N/R	N/R	11
15. Access to the Courts.	C	C	12
16. Isolation Log Book.	C	C	12
17. Inmate Daily Segregation Record (CDC 114-A).			
a. All significant information documented.	C	C	13
b. The CDC 114-A1 notes yard group designation.	C	C	13
c. The CDC 114-A1 notes special information.	C	C	14
d. The CDC 114-A1 is updated every 90 days.	P/C	P/C	14
18. Safety.			
a. Fire Safety.	C	C	15
b. Quarterly Fire Drills.	P/C	N/C	15
c. Documentation.	C	C	16

REVIEW STANDARD	REVIEW FINDING 4/07	REVIEW FINDING 3/09	PAGE NO.
II. DUE PROCESS			
1. Authority.	C	C	17
2. Written Notice.	C	C	17
3. Receipt of the CDC 114-D.	C	C	18
4. Confidential Material.	C	P/C	18
5. Review.	P/C	P/C	19
a. Staff Assistance.	P/C	P/C	19
b. Witnesses.	P/C	P/C	20
c. Inmate Waiver of Time Limitations.	C	N/C	20
d. Hearing Time Constraints.	C	C	21
e. Decision.	C	C	21
6. Hearing Within 10 Days.	C	C	21
a. Determinations documented on the CDC 128-G.	C	C	22
b. Hearing Date.	C	C	22
c. Inmate Presence.	C	C	23
d. Hearing Officer.	C	C	23
e. Staff Assistant/Investigative Employee on the CDC 128-G.	P/C	C	24
f. Witnesses on CDC 128-G.	P/C	N/C	24
g. The CDC 128-G notes yard group designation.	C	C	25

REVIEW STANDARD	REVIEW FINDING 4/07	REVIEW FINDING 3/09	PAGE NO.
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h. Cell Status.	C	C	25
i. Participation.	C	C	26
7. Classification Review.	C	C	26
8. Classification Staff Representative Review.	C	C	27

III. ADMINISTRATION			
1. Training.	C	C	28
2. ICC.	C	C	28
3. Record of Disciplinary.	C	C	29
4. Post Orders-Firearms.	C	P/C	30
5. Post Order-Job Site.	C	C	30
6. Signing of Post Orders.	C	C	31
a. Post Orders-Staff.	C	C	31
b. Supervisor Inspection.	C	C	32
c. Post Order-Acknowledgment.	C	C	32
7. Protective Vests.	C	C	32

COMPARATIVE STATISTICAL SUMMARY CHART

Salinas Valley State Prison

APRIL 2007—MARCH 2009 FINDINGS

RATING	TOTAL 4/07	RATING % 4/07	TOTAL 3/09	RATING % 3/09
COMPLIANCE	59	88%	50	85%
PARTIAL COMPLIANCE	8	12%	6	10%
NONCOMPLIANCE	0		3	5%
NOT RATABLE	3		3	
TOTAL	70	100%	62	100%

Formal Review of Administrative Segregation and Due Process

Salinas Valley State Prison

SUMMARY OF FACILITIES REVIEWED

SVSP includes 544 Ad Seg unit beds in this Level I, II, III, and IV Facility. At the time of this review, the Facility was housing 333 Ad Seg inmates.

For the purposes of the review, the ACPRB team toured the Ad Seg units, reviewed unit records, and interviewed unit staff to determine the degree of compliance with established departmental policy, procedures, guidelines, and relevant court-established standards.

I

CONDITIONS OF SEGREGATED HOUSING

1. **Living Conditions.** In keeping with the special purpose of a segregated housing unit, and with the degree of security, control, and supervision required to serve that purpose, the physical facilities of special purpose segregated housing will approximate those of the general population.
(Authority cited: PC, Sections 2084, 5054, and 5058. Reference: CCR, Title 15, Sections 3343(a) and 3345; and DOM, Section 52080.33.)

Findings

COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that the physical facilities of SVSP's Ad Seg units approximate those of the general population.

- a. Housing units and all facilities therein will be properly maintained and regularly inspected to insure human decency and sanitation.
(Reference: CCR, Title 15, Section 3345.)

Findings

COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that inmates housed in SVSP's Ad Seg units are provided a clean, properly maintained cell that approximates those of general population inmates. Written and telephonic repair requests are generated in the units and submitted to Plant Operations when repairs are needed. General repairs are completed in a timely manner. Emergency work requests and health and safety issues are telephonically reported to Plant Operations with repairs being completed in a timely manner.

- b. Control of vermin and pests will be maintained by a regular inspection by the institutional vector control.
(Authority cited: Toussaint vs. McCarthy. Reference: CCR, Title 15, Section 3345.)

Findings

COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that SVSP's Ad Seg units control vermin and pests by conducting regular inspections of the units. Regular inspections and pesticide applications provide for the control of vermin and pests. In the event of an infestation, the Ad Seg unit Sergeants notify Plant Operations and the situation is responded to immediately.

2. **Restrictions.** Whenever an inmate in Ad Seg is deprived of any usually authorized item or activity and the action and reason for that action is not otherwise documented and available for review by administrative and other concerned staff, a report of the action will be made and forwarded to the unit administrator as soon as possible.
(Authority cited: PC, Section 5058. Reference: CCR, Title 15, Section 3343(b); and DOM, Section 52080.33.1.)

Findings

COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that unit staff utilize an Informational Chrono (CDC 128-B) to notify appropriate administrative staff as required.

3. **Clothing.** No inmate in Ad Seg will be required to wear clothing that significantly differs from that worn by other inmates in the unit, except that temporary adjustments may be made in an inmates' clothing as is necessary for security reasons or to protect the inmate from self-inflicted harm. No inmate will be clothed in any manner intended to degrade the inmate.
(Authority cited: PC, Sections 2084 and 5058. Reference: CCR, Title 15, Section 3343(c); and DOM, Section 52080.33.2.)

Findings

COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff and inmates.

The review revealed no instances wherein inmates housed in the Ad Seg units were required to wear clothing that significantly differed from that worn by other inmates in the unit; nor were inmates clothed in a manner intended to degrade or humiliate.

4. **Meals.** Inmates assigned to Ad Seg, including special purpose segregated housing, will be fed the same meal and ration as is provided for inmates of the general population, except that a sandwich meal may be served for lunch. Deprivation of food will not be used as punishment.
(Authority cited: PC, Sections 2084 and 5058. Reference: CCR, Title 15, Section 3343(d); and DOM, Section 52080.33.3.)

Findings

COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, reviewed unit documentation, and interviewed unit staff and inmates.

The review revealed that inmates housed in the Ad Seg units are receiving the same meals and rations as provided for the general population inmates. No examples of food deprivation were found in the units. Bulk food items are prepared in the institutional kitchen and transported to the units in hot food carts. Meal trays are prepared by Ad Seg unit staff and served to the inmates. Unit staff are properly attired with head coverings and plastic gloves when serving. Meal sample reports and food temperature logs are being utilized by kitchen staff.

5. **Mail.** Inmates assigned to Ad Seg, including special purpose segregated housing, will not be restricted in their sending and receiving of personal mail, except that incoming packages may be limited in number, and in content, to that property permitted in the segregated unit to which an inmate is assigned.
(Authority cited: PC, Section 5058. Reference: CCR, Title 15, Sections 3138 and 3343(e); and DOM, Section 52080.33.4.)

Findings

COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that inmates housed in the Ad Seg units are not restricted from either sending or receiving personal mail, except those restrictions as defined in the CCR.

6. **Visits.** Inmates assigned to segregated housing, except for inmates assigned to security housing unit, in accordance with Section 3341.5, shall be permitted to visit under the same conditions as are permitted inmates of the general population. Inmates assigned to security housing units shall be prohibited from physical contact with visitors.
(Authority cited: PC, Section 5058. Reference: CCR, Title 15, Section 3343(f); and DOM, Section 52080.33.5.)

Findings

COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that all Ad Seg inmates are restricted to non-contact visits. The review team found SVSP's Ad Seg visiting process to be in accordance with current departmental and institutional policy and procedures.

7. **Personal Cleanliness.** Inmates assigned to Ad Seg, including special purpose segregated housing, will be provided the means to keep themselves clean and well groomed.
(Authority cited: PC, Section 5058. Reference: CCR, Title 15, Section 3343(g); and DOM, Section 52080.33.6.)
 - a. Showering and shaving will be permitted at least three times a week.

Findings

COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that Ad Seg inmates are provided the opportunity to shower three times per week as required. SVSP's policy provides for electric clippers to be used on the exercise yard for haircuts and shaving.

- b. Haircuts will be provided as needed.

Findings

COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that haircutting equipment is provided, upon request, for use on the yard.

- c. Clothing, bed linen, and other laundry items will be issued and exchanged no less often than is provided for general population inmates.

Findings

COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that clothing, bed linen, and other laundry items are routinely issued upon reception in the Ad Seg units. These laundry items are exchanged on the same basis as the general population.

8. **Exercise.** Inmates assigned to special purpose segregation housing will be permitted a minimum of one hour per day, five days a week, of exercise outside their rooms or cells unless security and safety considerations preclude such activity. When special purpose segregated housing units are equipped with their own recreation yard, the yard periods may substitute for other out of cell exercise periods, providing the opportunity for use of the yard is available at least three days per week for a total of not less than ten hours a week.
(Authority cited: PC, Section 5058. Reference: CCR, Title 15, Section 3343(h).)

Findings

COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that SVSP's Ad Seg units provide the walk-alone yard group designation. Ad Seg inmates are being offered three exercise periods per week for a minimum of 10 hours per week of outdoor exercise as required.

9. **Reading Material.** Inmates assigned to Ad Seg, including special purpose segregated housing, will be permitted to obtain and possess the same publications, books, magazines, and newspapers, as are inmates of the general population, except that the quantity may be limited for safety and security reasons. Library services will be provided and will represent a cross-section of material available to the general population.
(Authority cited: PC, Section 5058. Reference: CCR, Title 15, Section 3343(i).)

Findings

COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that Ad Seg inmates are provided library books on a weekly basis. The books are requested from the unit officers who distribute the reading material on Second and Third Watches.

10. **Rule Changes.** The Notice of Change to the CCR shall be posted and made available to all inmates and staff. Notices shall be posted in inmate housing unit, corridors, and other areas easily accessible to inmates, and provided to inmate lock-up unit. The Classification and Parole Representative shall ensure that the inmate population has knowledge of the Board of Prison Terms/Narcotic Addiction Evaluation Authority Rules and of amendments.
(Authority cited: PC, Sections 2080 and 5058(a). Reference: DOM, Sections 12010.5.8 and 12010.8.)

Findings

COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that proposed changes, or changes to the Director's Rules, the DOM, ABs, and memorandums that affect the inmate population are conspicuously posted in the inmate movement areas.

11. **Telephones.** Institutions will establish procedures for the making of outside telephone calls by inmates in Ad Seg. Such procedures will approximate those for the work/training incentive group to which the inmate is assigned, except that individual calls must be approved by the supervisor in charge or the administrator of the unit before a call is made.
(Authority cited: PC, Section 5058. Reference: CCR, Title 15, Section 3343(j).)

Findings

COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that SVSP provides Ad Seg inmates telephone usage pursuant to CCR, Title 15, Section 3343 (j). This includes emergency usage only.

12. **Institution Programs and Services.** Inmates assigned to segregated housing unit will be permitted to participate and have access to such programs and services as can be reasonably provided within the unit without endangering the security or the safety of persons. Such programs and services will include, but are not limited to: education, commissary, library services, social services, counseling, religious guidance and recreation.
(Authority cited: PC, Section 5058. Reference: CCR, Title 15, Section 3343(k).)

Findings

COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that SVSP provides programs to include commissary, library services, recreation, and spiritual counseling. In addition, religious publications are provided upon request.

13. **Visitation and Inspection.** Inmates assigned to Ad Seg, including special purpose segregated units, will be seen daily by the custodial supervisor in charge of the unit and by a physician, registered nurse, or medical technical assistant and, by request, members of the program staff. A timely response should be given to such requests wherever reasonably possible.
(Authority cited: PC, Section 5058. Reference: CCR, Title 15, Section 3343(l).)

Findings

COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that a custody supervisor is assigned to the Ad Seg units on both Second and Third Watches. In addition, management staff are available for interviews prior to ICC hearings and CDC 114-D segregation placement administrative reviews. The Facility Sergeants tour the units during First Watch to ensure any emergency is properly addressed. Medical and psychiatric staff are assigned to the units on Second and Third Watches passing out medication, collecting sick call slips, and screening for medical and mental health needs. During First Watch, medical and psychiatric staff are available to respond to emergencies from the infirmary upon request by unit staff.

- a. The custodial officer in charge of a disciplinary detention unit, segregation unit, or security housing unit, where inmates are segregated for disciplinary or administrative purposes, will ensure that inmates needing medical attention receive it promptly.
(Authority cited: PC, Sections 5054 and 5058. Reference: CCR, Title 15, Section 3345.)

Findings

COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that unit custody staff notify medical staff in the event of any medical situation or emergency. The general medical treatment line is conducted on Tuesday in all units.

14. **Management Cells.** Inmates assigned to segregated housing, who persist in disruptive, destructive, and dangerous behavior and will not heed or respond to orders and warnings to desist, are subject to placement in a management cell, as provided in CCR, Title 15, Section 3332(f).
(Authority cited: PC, Sections 2601(d), 5054, and 5058. Reference: CCR, Title 15, Section 3343(m).)
- a. An inmate who persists in unduly disruptive, restrictive, or dangerous behavior and who will not heed or respond to orders and warnings to desist from such activity, may be placed in a management cell on an order

of the unit's administrator or, in his or her absence, an order of the watch commander.

Findings

NOT RATABLE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that SVSP does not utilize management cells.

- b. In addition to any necessary incident or disciplinary reports, the matter will be reported to the Warden, Superintendent, Chief Disciplinary Officer, or Administrative Officer of the Day, one of whom will review management cell resident status daily.

Findings

NOT RATABLE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that SVSP does not utilize management cells.

- c. An inmate, who requires management cell placement for longer than 24 hours, will be considered for transfer to a psychiatric management unit or other housing appropriate to the inmate's disturbed state.
(Reference: CCR, Title 15, Section 3332(f); and DOM, Section 52080.22.4.)

Findings

NOT RATABLE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that SVSP does not utilize management cells.

15. **Access to the Courts.** Inmates confined in Ad Seg for any reason will not be limited in their access to the courts. If an inmate's housing restricts him or her from going to the inmate law library, arrangements will be made to deliver requested and available library material to the inmate's quarters.
(Authority cited: PC, Sections 5054 and 5058. Reference: CCR, Title 15, Sections 3164(a) and (d); DOM, Section 53060.10; and Toussaint v. Gomez.)

Findings

COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff and inmates.

The review revealed SVSP's Ad Seg units provide both paging and direct access to a law library. Inmates submit written requests for law library services to the Law Library Technician, who screens the requests and schedules the inmates for access. Preferred legal users and inmates with court deadlines receive priority access.

16. **Ad Seg Log.** An Isolation Log Book will be maintained in each Ad Seg unit, including special purpose segregated units. One Isolation Log Book may serve two or more special purpose units which are administered and supervised by the same staff members.
(Authority cited: PC, Sections 5054 and 5058. Reference: CCR, Title 15, Section 3344(a); and DOM, Section 52080.22.5.)

Findings

COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff.

The review revealed that an Isolation Log Book is maintained within the Ad Seg units. All entries are appropriately recorded in accordance with departmental policy and procedures.

17. **Daily Inmate Segregation Record.** A separate record will be maintained for each inmate assigned to Ad Seg, including special purpose segregated units. This record will be compiled on the Inmate Daily Segregation Record (CDC 114-A) and the Inmate Segregation Profile (CDC 114-A1).
(Authority cited: PC, Sections 5054 and 5058. Reference: CCR, Title 15, Section 3344(b); DOM, Section 52080.22.5; and IB 98/27.)
 - a. All significant information relating to the inmate during the course of segregation, from reception to release, will be entered on the CDC 114-A in chronological order.

Findings

COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff.

The review revealed that a CDC 114-A is maintained for each inmate assigned to the Ad Seg units. The CDC 114-As were found to contain significant information, in chronological order, relating to the inmate during the course of segregation. Although statistically in compliance, fish kits, exercise, and cell inspections were not consistently documented.

- b. The CDC 114-A1 documents the inmate's current yard group designation.

Findings

COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff.

The review team reviewed a random sample of 80 CDC 114-A1s. Of the 80 CDC 114-A1s reviewed, 12 were not ratable as the inmate had not yet attended ICC. Of the 68 ratable CDC 114-A1s, 64 (94 percent) documented the inmate's current yard group designation. The 4 remaining CDC 114-A1s did not contain this information.

- c. The CDC 114-A1 documents the inmate's special information.

Findings

COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff.

Each (100 percent) of the 80 CDC 114-A1s reviewed documented the inmate's special information.

- d. The CDC 114-A1 will be maintained in the segregation log and be updated as new information is obtained. The Segregation Officer shall begin a new CDC 114-A1 at least every 90 days or at anytime this form becomes difficult to read.

Findings

PARTIAL COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff.

The review revealed that in a random sample of 80 CDC 114-A1s, 27 were not ratable as the inmate had not been on Ad Seg status for a period of time long enough to require a 90-day update. Of the 53 ratable CDC 114-A1s reviewed, 31 (58 percent) were updated as appropriate. The 22 remaining CDC 114-A1s were not updated as required.

18. **Safety.** Each Warden and Superintendent must have in effect, at all times, a plan approved by the Director for meeting emergencies delineated and required by the California Emergency Services Act of 1970.
(Authority cited: PC, Sections 5454 and 5458. Reference: CCR, Title 15, Sections 3302(b) (4) and 3303(a) (4); and DOM, Sections 52090.1, 2, 5, 6.1, 7, and 52090.19.)
- a. Institution heads shall maintain procedures for fire prevention and suppression. Fire protection practices and departmental policy mandate that all employees be instructed and trained concerning their duties and responsibilities should it become necessary to conduct an emergency evacuation for any fire or life threatening condition.
(Reference: CCR, Title 15, Section 3303(a); and DOM, Section 2090.19.)

Findings

COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff.

The review revealed that SVSP's Ad Seg units maintain an institutional DOM Supplement, No. 52090, regarding fire protection and training.

- b. Staff and inmates shall be familiar with fire evacuation routes, exits, and procedures. An evacuation drill shall be conducted quarterly on each watch. Where such drills would jeopardize personal safety or facility security, staff shall conduct a walk-through of the procedure. Such walk-through drills shall be monitored by the area supervisor to ascertain that actual evacuation could be accomplished as required.
(Reference: CCR, Title 15, Section 3303(a); and DOM, Section 52090.19.)

Findings

NONCOMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff.

The review revealed that staff are trained with emergency evacuation plan procedures and evacuation routes are conspicuously posted within the units. However, of the 48 required simulated fire drills, documentation was present to verify that 17 (35 percent) have been conducted.

- c. At the conclusion of fire drills, the area supervisor shall complete a DS 5003, Fire Drill Report indicating the necessary information and forward a copy to the Fire Chief.
(Reference: CCR, Title 15, Section 3303(a) (4); and DOM, Section 52090.19.)

Findings

COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff.

The review revealed that when quarterly simulated emergency fire drills are conducted, Fire Drill Reports are being completed and forwarded to the Fire Chief as required.

II

DUE PROCESS

Procedural safeguards essential for effective transfers of prisoners from the general prison population to a maximum security unit in order to segregate such prisoners for administrative reasons or purposes.

1. **Authority.** Authority to order an inmate to be placed in Ad Seg, before such action is considered and ordered by a classification hearing, may not be delegated below the staff level of Correctional Lieutenant, except when a lower level staff member is the highest ranking official on duty.
(Authority cited: PC, Sections 5054 and 5058. Reference: CCR, Title 15, Section 3336; and DOM, Section 52080.25.)

Findings

COMPLIANCE

The ACPRB review team examined 30 central files of inmates housed in SVSP's Ad Seg units.

Each (100 percent) of the 30 records reviewed contained documentation on the CDC 114-D to confirm the level of the official ordering segregation placement was at the Correctional Lieutenant level or higher.

2. **Written Notice.** The reason for ordering an inmate's placement in Ad Seg will be clearly documented on the CDC 114-D by the official ordering the action at the time the action is taken.
(Authority cited: PC, Sections 5054 and 5058. Reference: CCR, Title 15, Section 3336(a); DOM, Section 52080.25; and IB 98/27.)

Findings

COMPLIANCE

The ACPRB review team examined 30 central files of inmates housed in SVSP's Ad Seg units.

Of the 30 records reviewed, 26 (87 percent) clearly documented the reason(s) for Ad Seg placement. Of the 4 remaining records, 2 failed to mark the box indicating that confidential information was used as the basis for placement and the date of disclosure was not noted on the CDC 114-D, 1 record contained conflicting dates on the CDC 114-D and the CDC 1030, and 1 record contained an unclear placement date on a reissued CDC 114-D.

3. **Receipt of the CDC 114-D.** A copy of the CDC 114-D with the "order" portion of the form completed, will, if practical, be given to the inmate prior to placement in Ad Seg, but not later than 48 hours after such placement.

(Authority: PC, Sections 5054 and 5058. Reference: CCR, Title 15, Sections 3336(d) and 3339(b) (1); and DOM, Section 52080.25.)

Findings

COMPLIANCE

The ACPRB review team examined 30 central files of inmates housed in SVSP's Ad Seg units.

Each (100 percent) of the 30 records reviewed contained documentation that indicated the inmates were given a copy of the CDC 114-D within 48 hours of placement in Ad Seg.

4. **Confidential Material.** Documentation given the inmate concerning information from a confidential source shall include an evaluation of the source's reliability, a brief statement of the reason for the conclusion reached, and a statement of the reason why the information or source is not disclosed.

(Authority: PC, Sections 2081.5, 2600, 2601, 5054, and 5058. Reference: CCR, Title 15, Section 3321(b) (2); and DOM, Sections 52080.27.4 and 61020.9.)

Findings

PARTIAL COMPLIANCE

The ACPRB review team examined 30 central files of inmates housed in SVSP's Ad Seg units.

Of 30 records reviewed, 24 were not ratable as the reason(s) for Ad Seg placement was not based upon confidential information. Of the 6 ratable records, 5 (83 percent) included an appropriate CDC 1030, issued within the required time frames. The 1 remaining record contained a CDC 1030 that was issued 5 days after ICC had been held.

5. **Review.** On the first work day following an inmate's placement in Ad Seg, designated staff at not less than the level of Correctional Captain will review the order portion of the CDC 114-D. If retention in Ad Seg is approved at this review; the following determinations will be made at this level.
(Authority cited: PC, Sections 5054 and 5058. Reference: CCR, Title 15, Section 3337).)

Findings

PARTIAL COMPLIANCE

The ACPRB review team examined 30 central files of inmates housed in SVSP's Ad Seg units.

Of the 30 records reviewed, 22 (73 percent) contained documentation of a placement review by a Captain within the first working day following the inmate's placement in Ad Seg. Of the 8 remaining records, 2 documented a late review by a Captain (1 day late), 3 records documented a late counter signature by an AW when the review was conducted by an acting Captain (1 to 7 days late), 1 record did not contain a countersignature by the AW as appropriate, 1 record contained a late review by an acting Captain (1 day) with a late countersignature by the AW (1 day), and 1 record documented a late review by an acting Captain (4 days) with no AW countersignature.

- a. Determine the appropriate assignment of staff assistance.
(Reference: CCR, Title 15, Section 3337(a).)

Findings

PARTIAL COMPLIANCE

The ACPRB review team examined 30 central files of inmates housed in SVSP's Ad Seg units.

Of the 30 records reviewed, 26 (87 percent) contained documentation of a determination for the assignment of a SA/IE. The 4 remaining records did not indicate if the assignment of a SA/IE was warranted (the "not assigned" box was not marked, but no staff was identified as assigned).

- b. Determine the inmate's desire to call witnesses or submit other documentary evidence. If the inmate requests the presence of witnesses or submission of documentary evidence at the classification hearing on the reason or need for retention in segregated housing, an Investigative Employee will be assigned to the case. A request to call witnesses must be submitted in writing by the inmate.
(Reference: CCR, Title 15, Section 3337(b).)

Findings

PARTIAL COMPLIANCE

The ACPRB review team examined 30 central files of inmates housed in SVSP's Ad Seg units.

Of the 30 records reviewed, 22 (73 percent) contained documentation regarding the need for witnesses. The 8 remaining records left this section blank.

- c. Determine if the inmate has waived the 72-hour time limit in which a classification hearing cannot be held, as indicated on the CDC 114-D, or the inmate desires additional time to prepare for a classification hearing.
(Reference: CCR, Title 15, Section 3337(c).)

Findings

NONCOMPLIANCE

The ACPRB review team examined 30 central files of inmates housed in SVSP's Ad Seg units.

Of the 30 records reviewed, 13 (43 percent) contained documentation that the inmate made a determination regarding the 72-hour time limit or had refused to sign the waiver section. Of the 17 remaining records, 11 documented a waiver of the 72-hour preparation time absent an inmate signature, 5 records documented "Nothing to Waive," and 1 record left this section blank.

- d. Determine the most appropriate date and time for a classification hearing based upon the determination arrived at under Section 3337(a), (b), and (c), and the time limitations prescribed in CCR, Title 15, Section 3338.
(Reference: CCR, Title 15, Section 3337 (d).)

Findings

COMPLIANCE

The ACPRB review team examined 30 central files of inmates housed in SVSP's Ad Seg units.

Of the 30 records reviewed, 29 (97 percent) contained documentation that the hearing time frames were appropriate based on the inmate's request. The 1 remaining record documented a hearing held within 72 hours absent a signed waiver by the inmate.

- e. Decision to retain in Ad Seg or release to unit/facility.

Findings

COMPLIANCE

The ACPRB review team examined 30 central files of inmates housed in SVSP's Ad Seg units.

Of the 30 records reviewed, 29 (97 percent) contained documentation that a decision was made to retain or release the inmate based on the administrative review. The 1 remaining record left this section blank.

6. **Classification Hearing.** An inmate's placement in temporary segregation shall be reviewed by the ICC within 10 days of receipt in the unit.
(Authority cited: PC, Sections 5054 and 5058. Reference: CCR, Title 15, Sections 3335(c), 3338(a), (b), (c), (d), (g), (h), (i), 3375, and 3339 (b) (2); and DOM, Sections 52080.27.4 and 62010.9.1.)

Findings

COMPLIANCE

The ACPRB review team examined 30 central files of inmates housed in SVSP's Ad Seg units.

Each (100 percent) of the 30 records reviewed contained documentation of an ICC review within 10 days of an inmate's placement in Ad Seg.

- a. The determinations arrived at in the classification hearing will be documented on the CDC 128-G. Such documentation will include an explanation of the reason and the information and evidence relied upon for the action taken. The inmate will also be given copies of all completed forms and of all other documents relied upon in the hearing, except those containing confidential information.
(Authority cited: PC, Sections 5054 and 5058. Reference: CCR, Title 15, Sections 3338(i), 3375(g), and (h); and DOM, Sections 52080.27.4 and 62010.9.1.)

Findings

COMPLIANCE

The ACPRB review team examined 30 central files of inmates housed in SVSP's Ad Seg units.

Of the 30 records reviewed, 6 were not ratable as the inmate had attended ICC so recently the CDC 128-G had not yet been typed. Each (100 percent) of the 24 ratable records contained documentation of the determinations arrived at during ICC on the CDC 128-G.

- b. Was the hearing date recorded on the CDC 128-G?
(Reference: CCR, Title 15, Section 3375(g)(9); and DOM, Section 62010.9.1.)

Findings

COMPLIANCE

The ACPRB review team examined 30 central files of inmates housed in SVSP's Ad Seg units.

Of the 30 records reviewed, 6 were not ratable as the inmate had attended ICC so recently the CDC 128-G had not yet been typed. Each (100 percent) of the 24 ratable records contained the appropriate hearing dates on the CDC 128-Gs.

- c. Was the inmate's presence at the hearing documented on the CDC 128-G?
(Reference: CCR, Title 15, Sections 3338(c) and 3375(g)(5); and DOM, Section 52080.27.)

Findings

COMPLIANCE

The ACPRB review team examined 30 central files of inmates housed in SVSP's Ad Seg units.

Of the 30 records reviewed, 6 were not ratable as the inmate had attended ICC so recently the CDC 128-G had not yet been typed. Each (100 percent) of the 24 ratable records contained documentation to verify the inmate's presence or absence at the hearing on the CDC 128-G.

- d. Were the Hearing Officers identified on the CDC 128-G?
(Reference: CCR, Title 15, Sections 3375(g)(6-8); DOM, Section 62010.9.1.)

Findings

COMPLIANCE

The ACPRB review team examined 30 central files of inmates housed in SVSP's Ad Seg units.

Of the 30 records reviewed, 6 were not ratable as the inmate had attended ICC so recently the CDC 128-G had not yet been typed. Each (100 percent) of the 24 ratable records identified the hearing officers on the CDC 128-G as appropriate.

- e. If appropriate, were the Staff Assistant and the Investigative Employee identified in the CDC 128-G?
(Reference: CCR Title 15, Section 3338(c)(i); and DOM, Section 62010.9.1.)

Findings

COMPLIANCE

The ACPRB review team examined 30 central files of inmates housed in SVSP's Ad Seg units.

Of the 30 records reviewed, 26 were not ratable as the need for a SA/IE was properly documented on the CDC 114-D or the inmate had attended ICC so recently the CDC 128-G had not yet been typed. Each (100 percent) of the 4 ratable records documented the need for a SA/IE on the CDC 128-G when this information was not otherwise properly documented on the CDC 114-D.

- f. If appropriate, was the witness portion addressed in the CDC 128-G?
(Reference: CCR, Title 15, Sections 3338(h) and (i); and DOM, Section 52080.27.3-.4.)

Findings

NONCOMPLIANCE

The ACPRB review team examined 30 central files of inmates housed in SVSP's Ad Seg units.

Of the 30 records reviewed, 24 were not ratable as the need for witnesses was properly documented on the CDC 114-D or the inmate had attended ICC so recently the CDC 128-G had not yet been typed. Of the 6 ratable records, 2 (33 percent) contained documentation regarding the need for witnesses on the CDC 128-G when the information was not otherwise properly documented on the CDC 114-D. The 4 remaining records did not contain this information.

- g. The completed CDC 128-G contains the yard group designation arrived at during the classification hearing.
(Reference: CCR, Title 15, Section 3338(i); DOM, Section 52080.27.4; and IB 98/27.)

Findings

COMPLIANCE

The ACPRB review team examined 30 central files of inmates housed in SVSP's Ad Seg units.

Of the 30 records reviewed, 6 were not ratable as the inmate had attended ICC so recently the CDC 128-G had not yet been typed. Each (100 percent) of the 24 ratable records contained documentation of the inmate's yard group designation on the CDC 128-G.

- h. The completed CDC 128-G documents the inmate's current cell status (single or double celled).
(Reference: CCR, Title 15, Section 3338(i); DOM, Section 52080.27.4; and IB 97/27.)

Findings

COMPLIANCE

The ACPRB review team examined 30 central files of inmates housed in SVSP's Ad Seg units.

Of the 30 records reviewed, 14 were not ratable as the inmate had attended ICC so recently the CDC 128-G had not yet been typed. Each (100 percent) of the 16 ratable records contained documentation of the inmate's current cell status on the CDC 128-G.

- i. The completed CDC 128-G documents the inmate's participation during committee and their agreement or disagreement with the ICC's action.
(Reference: CCR, Title 15, Sections 3338(i) and 3375(f)(2-6); and DOM, Section 52080.27.4.)

Findings

COMPLIANCE

The ACPRB review team examined 30 central files of inmates housed in SVSP's Ad Seg units.

Of the 30 records reviewed, 6 were not ratable as the inmate had attended ICC so recently the CDC 128-G had not yet been typed. Each (100 percent) of the 24 ratable records contained documentation of the inmate's participation during ICC on the CDC 128-G.

7. **Classification Review.** Instead of ICC reviewing each inmate's case every 30 days, inmates in Ad Seg for non-disciplinary reasons shall require routine review no more frequently than every 90 days, or when scheduled by staff for specific action. Inmates segregated for disciplinary reasons shall be reviewed by ICC at least every 180 days or when scheduled by staff for specific action.
(Authority cited: Larry Witek Memorandum of Interim Action dated November 20, 2001, Ad Seg Unit Classification Review.)

Findings

COMPLIANCE

The ACPRB review team examined 30 central files of inmates housed in SVSP's Ad Seg units.

Of the 30 records reviewed, 14 were not ratable as the inmates had not been on Ad Seg status long enough to require a follow-up review. Each (100 percent) of the 16 ratable records contained documentation of an ICC review as appropriate.

8. **Classification Staff Representative Review (CSR).** All inmates retained in Ad Seg at their ten-day Ad Seg hearing shall be referred to the Classification Staff Representative for retention authorization at that initial review.
(Authority cited: Larry Witek Memorandum of Interim Action dated November 20, 2001, Ad Seg Unit Classification Review.)

Findings

COMPLIANCE

The ACPRB review team examined 30 central files of inmates housed in SVSP's Ad Seg units.

Of the 30 records reviewed, 2 were not ratable as the inmate had attended ICC so recently the CDC 128-G had not yet been typed and this information was not posted on the Custody Classification Assignments (CDC 262). Of the 28 ratable records, 26 (93 percent) contained documentation that indicated the case had been referred to a CSR for review as appropriate. The 2 remaining records did not contain this information.

III

ADMINISTRATION

1. **Training.** All staff working in specialized units are to receive specialized training centering around that unit's operation and program.
(Authority cited: PC, Sections 830.5, 832, 5054, 5058, 13600, and 13601. Reference: DOM, Section 32010.14.5.)

Findings

COMPLIANCE

The ACPRB review team interviewed In-Service Training staff and examined the training records of all Ad Seg staff assigned to the unit for one year or more.

The review revealed that 39 custody staff have been assigned to the Ad Seg units for one year or more. These 39 staff members are each required to have received 11 specialized training classes. Of the 429 required classes, 422 (98 percent) have been taken.

2. **ICC.** The ICC shall consist of:
 - Warden or Regional Parole Administrator, or Deputy Warden or Assistant Regional Parole Administrator (chairperson);
 - Correctional Administrator or Parole Administrator III (alternate Chairperson);
 - Psychiatrist or Physician;
 - Facility Captain;
 - Correctional Captain;
 - Correctional Counselor III or Parole Agent III, or Correctional Counselor II or Parole Agent II (Committee Recorder);
 - Assignment Lieutenant;

- Educational or Vocational Program Representative; and
 - Other Staff as required.
- (Authority cited: PC, Sections 5054 and 5058. Reference: CCR, Title 15, Section 3376(c)(2); and DOM, Section 62010.8.2.)**

Findings

COMPLIANCE

The ACPRB review team examined 30 central files, and reviewed CDC 128-Gs.

The review revealed that the composition of ICC was in compliance with this standard.

3. **Record of Disciplinary.** All institutions will maintain a Register of Institution Violations. A Register of Institution Violations is a compilation of one completed copy of each rule violation report issued at a facility, maintained in chronological order.
(Authority cited: PC, Sections 2081, 5054, and 5058. Reference: CCR, Title 15, Sections 3326(a)(1-2); and DOM, Section 52080.15.1.)

Findings

COMPLIANCE

The ACPRB review team interviewed appropriate staff and examined the Disciplinary Log and Register of Institutional Violations.

The review revealed that the Institution maintains two Registers of Institutional Violations that meet the basic requirements of DOM. A tracking system is used to follow each disciplinary log number and adjudicated Rules Violation Report.

4. **Post Order-Firearms.** Detailed instructions regarding the use of firearms shall be contained in the post orders of armed posts and shall be issued to staff that may regularly be required to use firearms in the course of their duties.
(Authority cited: PC, Sections 830, 832.5, 5054, and 5058. Reference: DOM, Section 55050.4.)

Findings

PARTIAL COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff.

The review revealed that there are 16 identified gun posts (11 Control Booths and 5 yard guns) that require use of force policies be addressed as part of the post orders. Of the 16 armed posts, 11 (69 percent) directed the staff member to read, understand, and become familiar with CCR, Title 15, Section 3268.

5. **Post Order-Job Site.** A copy of the post order shall be provided for every post and a copy shall be physically located at each job site.
(Authority cited: PC, Sections 5054 and 5058. Reference: DOM, Section 51040.6.)

Findings

COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff.

The review revealed that a current copy of the post order is provided at the job site for each (100 percent) the 74 Ad Seg posts.

6. Employees under post orders are required to sign and date the Post Order Acknowledgment Sheet (CDC 1860), verifying their understanding of the duties and responsibilities of the post. This shall be completed when the employee is

assigned to the post, when the post order has been revised, or upon returning from an extended absence.

Findings

COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff.

The review revealed there are 120 identified staff who are assigned to 74 Ad Seg unit posts. Of the 157 required signatures, 143 (91 percent) were present acknowledging the understanding of the post orders.

- a. **Post Order-Staff.** Supervisors, by authority of the Correctional Captain or area Manager, shall ensure that employees read and understand their post orders upon assuming their post.
(Authority cited: PC, Sections 5054 and 5058. Reference: DOM, Section 51040.6.1.)

Findings

COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff.

The review revealed that unit supervisors ensure that custodial staff assigned to the Ad Seg units read and understand their post order upon assuming their post.

- b. At a minimum of once each month, supervisors shall inspect the post orders and sign the CDC 1860. Any torn or missing pages noted shall be replaced as soon as practical.

Findings

COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff.

The review revealed that the custodial supervisors assigned to the Ad Seg units inspect the CDC 1860 on a monthly basis.

- c. A CDC 1860 shall be attached to each post order and shall be utilized to verify that the assigned staff member has read and understood the post orders for their post. CDC 1860s shall be kept for a period of one year from the date of last entry unless deemed evidentiary (then retained until no longer needed).
(Authority cited: PC, Sections 5054 and 5058. Reference DOM, Section 51040.6.2.)

Findings

COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff.

The review revealed that SVSP utilizes a CDC 1860 to allow the staff member to verify, by signature, that they have read and understand the order for the post and this is then countersigned by the supervisor. Each (100 percent) of the 74 post orders reviewed contained the current CDC 1860.

7. **Protective Vests.** All CDCR employees, regardless of personnel classification, entering a SHU, Special Management Program, Ad Seg, Temporary Detention Unit, Condemned Housing Unit, Psychiatric Services Unit, or Special Behavioral Treatment Program, shall wear a Stab Resistant Vest when the employee is:
- In direct contact with inmates/wards/patients within the aforementioned units (unrestrained or restrained).
 - Escorting inmates/wards/patients housed within the aforementioned units anywhere on institution grounds.

- On the aforementioned unit tiers.
(Authority cited: DOM, Section 33020.16.2)

Findings

COMPLIANCE

The ACPRB review team toured SVSP's Ad Seg units, examined unit documentation, and interviewed unit staff.

The review revealed that all required staff wear a protective vest while in the Ad Seg units.

Review of Administrative Segregation and Due Process

Salinas Valley State Prison

GLOSSARY

AB	Administrative Bulletin
ACPRB	Adult Compliance/Peer Review Branch
AOD	Administrative Officer of the Day
Ad Seg	Ad Seg Unit
AW	Associate Warden
CC	Correctional Counselor
CCR	California Code of Regulations
CDCR	California Department of Corrections and Rehabilitation
CDC 114	Isolation Log Book
CDC 114-A	Isolation/Segregation Profile
CDC 114-A1	Inmate Segregation Profile
CDC 114-D	Order for Placement/Retention in Administrative Segregation
CDC 128-G	Classification Chrono Form
CDC 1030	Confidential Information Disclosure
CDC 1860	Post Order Acknowledgment Form
CSR	Classification Staff Representative
DOM	Department Operations Manual
DS 5003	Fire Drill Report
IB	Information Bulletin
ICC	Institution Classification Committee
IE	Investigative Employee
PC	California Penal Code
OAC	Program and Fiscal Reviews Branch
SA	Staff Assistant
SVSP	Salinas Valley State Prison

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF AUDITS AND COMPLIANCE

REPORT OF FINDINGS AND RECOMMENDATIONS

BUSINESS SERVICES

SALINAS VALLEY STATE PRISON
MARCH 23 THROUGH MARCH 27, 2009

The seal of the California Department of Corrections and Rehabilitation is a circular emblem. It features a green outer ring with the text "DEPARTMENT OF CORRECTIONS AND REHABILITATION" at the top and "STATE OF CALIFORNIA" at the bottom. The center of the seal depicts a yellow sun rising over a blue body of water, with a small orange flame or torch positioned to the right of the sun.

PRELIMINARY

AUDITS BRANCH

TABLE OF CONTENTS

<u>SUBJECT</u>	<u>PAGE</u>
Introduction	I
Audit Scope	II
Symptoms of Control Deficiencies	III
Corrective Action Plan	IV
Executive Summary	V
Findings and Recommendations	
I. Administrative Concerns.....	1
II. Internal Control	2
III. Late Detection and Additional Workload.....	5
IV. Policies and Procedures	9
V. Training	9
Glossary	10
Attachment A – Sample Corrective Action Plan	

**OFFICE OF AUDITS AND COMPLIANCE
AUDITS BRANCH**

SALINAS VALLEY STATE PRISON

INTRODUCTION

The California Department of Corrections and Rehabilitation's (CDCR), Office of Audits and Compliance (OAC), Audits Branch, conducted an audit of Business Services at Salinas Valley State Prison (SVSP). The purpose of the audit was to analyze and evaluate the level of compliance with State and departmental policies, procedures, rules, regulations, operational objectives, and guidelines. The following areas were audited:

- Personnel Transactions;
- Classification and Pay;
- Delegated Testing;
- Food Services;
- Payroll/Accounting;
- Procurement;
- Materials Management (i.e., Warehousing and Property);
- Plant Operations;
- Inmate Trust Accounting;
- Environmental Health and Safety; and
- Occupational Health and Safety

The fieldwork was performed during the period of March 23 through March 27, 2009. The exit conference was held on March 27, 2009.

René Francis, Certified Government Financial Manager, supervised the audit. Management Auditors Deborah Brannon, Michael Robinson, Naomi Banks and Saihra Posas conducted the audit. In addition, Barbara Sanders, Procurement Services Officer, Valley State Prison for Women, Rita Casborn, Associate Personnel Analyst, Headquarters, and Anna Reyes, Associate Personnel Analyst, Central California Women's Facility, provided subject matter expertise. Alberto Caton, Correctional Administrator coordinated and managed the audit. Richard C. Krupp, Assistant Secretary of the OAC, provided executive management oversight.

The audit consisted of an entrance conference, review of prior reports, test of transactions, interviews, observations, periodic management briefings, an exit conference, and issuance of the preliminary audit report.

**OFFICE OF AUDITS AND COMPLIANCE
AUDITS BRANCH**

SALINAS VALLEY STATE PRISON

AUDIT SCOPE

The scope of the audit encompasses the examination and evaluation of the adequacy and effectiveness of SVSP's system of management control and compliance to applicable policies, procedures, rules, and regulations. The audit period may include prior fiscal years if deemed necessary. The control objectives include, but are not limited to the following:

- State assets are safeguarded from unauthorized use or disposition;
- Transactions are executed in accordance to management's authorizations;
- Transactions are executed in accordance with applicable rules and regulations;
- Transactions are recorded correctly to permit the preparation of financial and management reports; and
- Programs are working efficiently and effectively.

In order to determine the adequacy of the control systems and level of compliance with State, federal, and departmental fiscal procedures, the audit team performed the following audit procedures:

- Examined evidence on a test basis supporting management's assertions;
- Performed detailed analyses of documentation and transactions;
- Interviewed Facility staff;
- Made inspections and observations;
- Performed group discussions of the overall impact of deficiencies; and
- Discussed deficiencies with supervisors and management throughout the audit process.

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AUDITS BRANCH**

SALINAS VALLEY STATE PRISON

SYMPTOMS OF CONTROL DEFICIENCIES

Experience has indicated that the existence of one or more of the following danger signals will usually be indicative of a poorly maintained or vulnerable control system. These symptoms may apply to the organization as a whole or to individual units or activities. Department heads and managers should identify and make the necessary corrections when warned by any of the danger signals listed below:

- Policy and procedural or operational manuals are either not currently maintained or are nonexistent;
- Lines of organizational authority and responsibility are not clearly articulated or are nonexistent;
- Financial and operational reporting is not timely and is not used as an effective management tool;
- Line supervisors ignore or do not adequately monitor control compliance;
- No procedures are established to assure that controls in all areas of operation are evaluated on a reasonable and timely basis;
- Internal control weaknesses detected are not acted upon in a timely fashion; and
- Controls and/or control evaluations bear little relationship to organizational exposure to risk of loss or resources.

**OFFICE OF AUDITS AND COMPLIANCE
AUDITS BRANCH**

SALINAS VALLEY STATE PRISON

CORRECTIVE ACTION PLAN

SVSP's corrective action plan (CAP) is due within 30 days from the date of the preliminary audit report. See Attachment A for a sample of the format.

The CAP is designed to document the institution's plan to fully resolve the audit findings. It includes a brief description of the audit finding, the classification of the personnel directly responsible for resolving the finding(s), their telephone number and/or extension, a brief description of the proposed action and the anticipated date of completion.

Please e-mail your completed CAP to Alberto.Caton@cdcr.ca.gov and Rose.Mitjans@cdcr.ca.gov. Send the original to Alberto Caton, OAC, PO Box 942883, Sacramento, CA 95811-7243.

If you need additional time to prepare your CAP, please contact Alberto Caton, Correctional Administrator at (916) 255-2717.

**OFFICE OF AUDITS AND COMPLIANCE
AUDITS BRANCH**

SALINAS VALLEY STATE PRISON

EXECUTIVE SUMMARY

The Audits Branch conducted an audit of Business Services at SVSP during the period of March 23 through March 27, 2009. The purpose of the audit was to determine the level of compliance with State, federal, and departmental rules, regulations, policies, and procedures. Prior to this audit, the Audits Branch conducted an audit of SVSP from June 1 through June 23, 2002, and a follow-up in 2003. Unresolved findings are identified in this report as "Prior Finding".

An exit conference was held on March 27, 2009. The OAC requested that SVSP provide a CAP within 30 days from the date of the preliminary audit report.

Areas audited:

- Personnel Transactions;
- Classification and Pay;
- Delegated Testing;
- Food Services;
- Payroll/Accounting;
- Procurement;
- Materials Management (i.e., Warehousing and Property);
- Plant Operations;
- Inmate Trust Accounting;
- Environmental Health and Safety; and
- Occupational Health and Safety

Eighteen findings are identified in the preliminary audit report, categorized under the following topics:

Category	Number of Findings	Page Number
Administrative Concerns	2	1
Internal Control	7	2
Late Detection and Additional Workload	7	5
Policies and Procedures	1	9
Training	1	9
Total	18	

The executive summary provides the category, a brief description of the finding, criteria, impact, and prior finding, if applicable.

It should be noted that turnover in the area of Business Services over the past 12 months is as follows: Accounting (44 percent), Personnel (41 percent), Plant Operations (32 percent), Procurement (19 percent), and Food Services (15 percent).

I. ADMINISTRATIVE CONCERNS

A. Personnel

An Account Clerk II, who works in the accounting office, has an indirect and close proximity reporting relationship to her sister who oversees the activities of the Accounting Office as the Correctional Business Manager I. DOM, Section 33010.25.

Impact: This condition could adversely affect or influence fair and impartial supervision and evaluation of employees.

Statement of Economic Interests (Form 700) was not always prepared and filed by all employees who are required/designated to file the form. As of March 2009, there are approximately fifty designated employees who did not file the Form 700.

Impact: This condition may result in late detection of incompatible activities, irregularities, theft, misappropriation, penalties and fines.

II. INTERNAL CONTROLS

A. Payroll

The separation of duties over the distribution of payroll warrants was inadequate. The person who receives and distributes salary warrants (i.e., paymasters) was also processing personnel documents. The Audits Branch found this deficiency with Plant Operations Supervisor and a Food Services Supervisor who are designated as paymasters. SAM, Section 8580.1.

Impact: This condition may result in late detection of errors and irregularities related to payroll warrants.

B. Material Management/Warehousing

Inventory adjustments were not prepared and/or forwarded to the Business Manager for review and approval prior to making adjustments. In addition, adjustments were posted by a Material and Store Supervisor (M&SS) I or II, instead of someone independent of the warehousing functions. This was noted in the support and maintenance warehouse. SAM, Section 10860.

Impact: These conditions may result in late detection of errors, irregularities, theft and/or misappropriation.

The Storeroom Supply Orders (Std. 115) were not always signed by a supervisor when requesting inventory from the maintenance warehouse and non drug medical supply room. DOM, Section 22030.11.7.

Impact: The conditions may result in difficulty determining whether items requested have the supervisor's approval/knowledge.

A physical count of Non-Drug Medical Supplies inventory was not conducted. In addition, Stock Received Reports (SRR's) were not completed in a timely manner (i.e., four month backlog). As a result, the physical inventory did not reconcile with the stock records in State Logistics and Material Management (SLAMM). **Prior Finding**, DOM, Section 22030.11.8.

Impact: This condition may result in late detection of errors, irregularities, theft and/or misappropriation.

The location of property did not always reconcile to the Property Control System (PCS). In addition, the equipment was improperly tagged or missing tags. DOM, Section 22030.12.3.

Impact: This condition may result in late detection of errors, irregularities, theft and/or misappropriation.

C. Procurement

There was no scope of services, and bids were not attached to 80 percent of the Services and Expense (S&E's) reviewed. DOM, Section 22030.9.

Impact: This condition may result in difficulty holding the vendor accountable for services rendered and not obtaining the lowest cost for services.

Term Purchases did not have bids or a description supporting what is purchased. SAM, Section 3568.

Impact: This condition results in late detection of irregularities.

III. LATE DETECTION AND ADDITIONAL WORKLOAD

A. Personnel Transactions

Accounts Receivables (AR's) over 90 days are not always cleared in a timely manner. As of March 20, 2009, there were 272 AR's outstanding over 90 days. Of this amount, 126 had no corrective action taken to resolve the issue. Accounting Instructional Memorandum 99-09

Impact: This issue gives the appearance that the institution is giving interest free loans. Additionally, outstanding AR's become increasingly difficult to resolve.

Custody staff did not forward the Employee Attendance Record (CDCR 998-A's) to the Personnel Office in a timely manner. For example, as of March 2009, there were 360 CDCR 998-A's that were not forwarded to the personnel office for processing. Administrative Bulletin (AB) 04-01

Impact: These issues could result in establishing unnecessary accounts receivables. Also, it creates additional workload.

B. Plant Operations

Heating Ventilation and Air Conditioning (HVAC) systems, located in the Correctional Training Center (CTC)and the central kitchen, are required to have Preventive Maintenance (PM) performed on a quarterly basis. However, PM was not performed since May 2008 on one system in the central kitchen and September 2008 on the other. Additionally, PM was not performed since August 2008 on the HVAC system in the CTC. Departmental Plant Operations Maintenance Procedures Manual (DPOMPM) and Standard Automated Preventive Maintenance Systems (SAPMS) guidelines.

Impact: This issue results in late detection of problems and irregularities and possible additional expense to repair.

There were no local standardized operating procedures. Also, there was a lack of direction for testing and maintaining emergency generators. Log books did not identify the equipment number, and data entered into the SAPMS system did not reconcile to the log books. Institutions Maintenance Unit (IMU) memo "Emergency Power Generator Systems".

Impact: This issue makes it difficult to determine and validate whether the emergency generators were tested timely and whether they were properly maintained.

Equipment maintenance data summary sheets (EMDSS) are not completed when a new piece of equipment is installed. This document is used to provide an identification number for equipment and to establish a PM schedule. DPOMPM and SAPMS guidelines.

Impact: This condition results in difficulty identifying equipment, establishing PM schedules. Additionally, it creates inaccurate inventory records.

C. Trust Accounting

There were 16 undelivered warrants maintained in the accounting office that have been outstanding for over 90 days. These warrants should be remitted to the State Controller's Office (SCO). **Prior Finding**, SAM, Section 8580.5.

Impact: This issue could result in loss of interest to the state and possible misappropriation.

The check stock was not transferred by using a transfer document. Also, it was difficult to determine the beginning and ending check numbers for emergency check stock requested. SAM 8081, 3696

Impact: This issue could result in difficulty accounting for checks and late detection of errors and/or irregularities.

IV. POLICIES AND PROCEDURES

Operational Procedures (OP) were not updated in a timely manner. Approximately, 50 percent of the OP's are outdated and several date back to 2003. SAM, Section 20050.

Impact: This issue could result in staff following outdated procedures and policies.

V. TRAINING

Seven of the nine employees working in the trust office did not receive the minimum amount of training as required by the DOM. For example, five of the employees received less than ten hours of training within the past twelve months. DOM, Section 32010.13.

Impact: This issue could result in staff not being adequately trained to perform their job functions properly.

FINDINGS AND RECOMMENDATIONS

It should be noted that turnover in the area of Business Services over the past 12 months is as follows: Accounting (44 percent), Personnel (41 percent), Plant Operations (32 percent), Procurement (19 percent), and Food Services (15 percent).

I. ADMINISTRATIVE CONCERNS

A. Personnel

1. Nepotism

An Account Clerk II, who works in the accounting office, has an indirect and close proximity reporting relationship to her sister who oversees the activities of the Accounting Office as the Correctional Business Manager I.

This condition could adversely affect or influence fair and impartial supervision and evaluation of employees.

DOM, Section 33010.25, states in part. "Employees involved in such relationships may work in the same program, section, or unit. However, appointments or assignments shall not be made where the employee would:

- Work for the same supervisor.
- Have a direct (first line supervisor) or indirect supervisory relationship (second line supervisor).
- Audit the work of, or exercise fiscal control over that person with whom they have a relationship, regardless of organizational separation. . .
- Work in a program, section or unit within close proximity of each other."

Recommendation

Review the provisions of DOM, analyze the reporting relationship of the two sisters and take appropriate action to comply with DOM.

2. Statement of Economic Interest (Form 700)

Statement of Economic Interests Form 700 was not always prepared and filed by all employees who are required/designated to file the form. As of March 2009, there are approximately fifty designated employees who have not filed the Form 700.

This condition may result in late detection of incompatible activities, irregularities, theft, misappropriation, penalties and fines.

The Departmental Memorandum dated February 6, 2008, states in part, "All employees who are occupying positions designated within the California

Department of Corrections and Rehabilitation Conflict of Interest (COI) Code are obligated to annually disclose economic and financial matters as well as on other required occasions, such as assuming and/or leaving designated positions.”

Recommendation

Determine which classifications are required to complete a Form 700. Ensure that all staff within those classifications receive the forms to be completed, and return them to the personnel office.

II. INTERNAL CONTROLS

A. Payroll

The separation of duties over the distribution of payroll warrants is inadequate. The person who receives and distributes salary warrants (i.e., paymasters) was also processing personnel documents. The Audits Branch found this deficiency with Plant Operations Supervisor and a Food Services Supervisor who are designated as paymasters.

This condition may result in late detection of errors and irregularities related to payroll warrants.

SAM, Section 8580.1, states in part, “Persons designated by agencies to receive salary warrants from SCO, or to distribute salary warrants to employees, or to handle salary warrants for any other purpose will not be authorized to process or sign any of the following personnel documents: d. Absence and Additional Time Worked Report form, STD. 634 (the STD 634 has been replaced by the CDC 998 A).” Departments will review duties at least semiannually or more often if necessary to comply with this section.

Recommendation

Review the list of paymasters to ensure that paymasters do not process, approve and/or authorize personnel documents.

B. Material Management/Warehousing

1. Inventory Adjustments

Inventory adjustments were not prepared and/or forwarded to the Business Manager for review and approval prior to making adjustments. In addition, adjustments were posted by an M&SS I or II, instead of someone independent of the warehousing functions. This was noted in the support and maintenance warehouse.

These conditions may result in late detection of errors, irregularities, theft and/or misappropriation.

SAM, Section 10860, Physical Inventories, states in part, "The business manager, after he has satisfied himself as to the propriety of the adjustments, will authorize the adjustments of the stock records by signing the list of inventory adjustments and returning it to the accounting office. The accounting office will post the adjustments authorized by the business manager"

Recommendation

Ensure that inventory adjustments are prepared, authorized and posted in accordance with SAM.

2. Std. 115's

The Std. 115's were not always signed by a supervisor when requesting inventory from the maintenance warehouse and the non drug medical storeroom.

This condition may result in difficulty determining whether the items requested have the supervisor's approval/knowledge.

DOM, Section 22030.10.11.7, Distribution of Material, states in part, "The requisitions shall be signed by the approving officer. . . ."

Recommendation

Ensure Std. 115's are completed and approved in accordance to DOM.

3. Stock Records (Prior Finding)

A physical count of Non-Drug Medical Supplies inventory was not conducted. In addition, stock records were not completed in a timely manner (i.e., four month backlog). As a result, the physical inventory did not reconcile with the stock records in State Logistics and Material Management (SLAMM).

This condition may result in late detection of errors, irregularities, theft and/or misappropriation.

DOM, Section 22030.11.8, Physical Inventory of Materials, states, "A count of every inventory item held in storage shall be taken annually on all materials in all warehouses, storerooms, and maintenance shops storage areas. More frequent inventories are acceptable if experience indicates that reducing the interval between physical inventories shall result in less time being consumed in the reconciliation of records."

Recommendation

Ensure that Stock Records are completed in a timely manner and a physical inventory is performed in accordance with DOM.

4. Property

The location of property does not always reconcile to the PCS. In addition, equipment was improperly tagged or missing tags.

This condition may result in late detection of errors, irregularities, theft and/or misappropriation.

DOM, Section 22030.12.3, Property Identification Numbers, states in part, "Each item of state-owned property shall bear an identifying number, either by decal or engraving . . . To the extent possible, all property shall be tagged on the front, left-hand corner of the item . . . If the property tag is destroyed, lost, or marred beyond recognition, a substitute number shall be supplied upon request."

Recommendation

Periodically perform spot checks to ensure that the PCS is current and accurately reflects the location of property. Ensure that property is properly tagged.

C. Procurement

1. S&E's

There is no scope of services and bids were not attached to 80 percent of the S&E's reviewed.

This condition may result in difficulty holding the vendor accountable for services rendered and not obtaining the lowest cost for services.

DOM, Section 22030.9, Service and Expense Order, states in part, "Services of a minor nature normally do not require competitive bidding, but staff shall identify and employ cost effective methods when contracting for services from private vendors..."

DOM, Section 22030.9.1, Data Requirements, states in part, "The data requirements for Services and Expense Order are as follows: Work to be performed-enter a full description of what is to be accomplished, including the number of hours of labor."

Recommendation

Review S&E Orders to determine whether the scope of service is included and whether the bids are attached with application.

2. Term Purchase

Term Purchases did not have bids or a description supporting of what is purchased.

This condition results in late detection of irregularities.

SAM Section 3568, Blanket Purchase Orders, state, "Blanket purchase orders with out the taking of competitive bids and in which the products ordered and unit prices are not specified are strongly discouraged... Agencies must provide a justification of their need in order to receive the special purchase authority."

Recommendation

Ensure that "Term Purchases" include bids and justification in accordance with SAM.

III. LATE DETECTION AND ADDITIONAL WORKLOAD

A. Personnel Transactions

1. A/R's

Accounts Receivables (AR's) over 90 days are not always cleared in a timely manner. As of March 20, 2009, there were 272 AR's outstanding over 90 days. Of this amount, 126 had no corrective action taken to resolve the issue.

This issue gives the appearance that the institution is giving interest free loans. Additionally, outstanding AR's become increasingly difficult to resolve.

Accounting Instructional Memorandum 99-09, Accounts Receivable Process, Section A, states in part, ". . . the employees must repay any overpayment, to employers."

Recommendation

Review the status of outstanding AR's over 90 days and develop a strategy to resolve old AR's.

2. CDCR 998-A's

Custody staff did not forward the CDCR 998-A's to the Personnel Office in a timely manner. For example, as of March 2009, there are 360 CDCR 998-A's that were not forwarded to the personnel office for processing.

These conditions could result in establishing unnecessary accounts receivables. Also, it creates additional workload.

AB 04-01, Attendance Record Policy – BU 06 and Aligned Non-represented Employees, Section AR states, “Failure to turn in a completed CDC 998-A may result in an AR established in accordance with BU 06, MOU, Section 15.12, and Sideletter 4.”

Recommendation

Encourage custody staff to submit the CDCR 998-A in a timely manner.

B. Plant Operations

1. PM on HVAC

PM was not performed on a quarterly basis for the heating, ventilation and air conditioning systems (HVAC). The chart below describes the location, asset number and status of PM as of March 2007.

Building and Location		Asset/Equipment Number	Most Current PM and corrective work order history
461	CTC	410000001401	Quarterly PM Scheduled established-No PM Since 8-26-2008
462	Central Kitchen	410000001680	Quarterly PM Scheduled established-No PM since 5-5-2008
462	Central Kitchen	410000001810	Quarterly PM Schedule established-No PM since 9-25-2008

This condition could result in late detection of problems and irregularities and possible additional expense to repair.

DPOMPM, and SAPMS guidelines, state in part, “. . . establish an effective and efficient PM procedure. This procedure must establish the systematic maintenance of all major institutional facilities and equipment. . .” “Without such program, equipment will wear out prematurely, structures will deteriorate, and efficient function of the facility will be compromised.” “The CPM [Correctional Plant Manager] shall complete a review, at least monthly” This procedure will be reviewed and updated annually.

Recommendation

Comply with method of a PM program.

2. Emergency Generators

The Emergency Generators lack testing and maintenance. The following deficiencies are noted:

- There were no local operating procedures which establish standardized procedures and direction for testing and maintenance;
- Logs books do not identify the asset number; and
- Data entered into the SAPMS system does not reconcile to the log books.

This issue makes it difficult to determine and validate whether emergency generators were tested timely and whether they were properly maintained.

IMU memo "Emergency Power Generator Systems" dated December 21, 1999 directs the institutions to conduct load bank test on emergency generators and recommends that the institution incorporate all assets and task into the SAPMS.

Notice of Change to DOM (NCDOM) transmittal letter 00-01, states, "Each institution/facility and parole region shall independently implement local procedures in accordance with all applicable laws and regulations governing those policies and procedures which are not covered by an approved DOM article."

Recommendation

Comply with the CDCR IMU guidelines and incorporate all task related to Emergency Generators in to the Facility Center database.

3. EMDSS

EMDSS sheets are not completed when a new piece of equipment is installed (i.e., ice machine). As a result, equipment/assets are not clearly identified with the standard equipment code. In Food Services, it was noted that 100 percent of the equipment did not have identifiers. In addition, PM schedules are not established for new equipment.

This condition results in difficulty identifying equipment, establishing PM schedules. Additionally, it creates inaccurate inventory records.

DPOMPM, Section 2.D.5 and SAPMS guidelines, which states, "All equipment will be clearly identified by placing the unique standard equipment code on each piece of equipment...Transfer equipment data from the Equipment Maintenance Summary Data Sheets following the guidelines in the Departmental Standard Plant Operations Maintenance Procedures Manual and develop assignment

schedules for the completion of the PM. . . .” It should be noted that this was a prior finding in 2003 and 2004.

Recommendation

Prepare the EMDSS sheets and forward them to the SAPMS administrator timely to place newly purchased equipment on a PM schedule. Tag equipment in accordance with the DPOMPM.

C. Trust Accounting

1. 90 Day Warrants (Prior Finding)

There were 16 undelivered warrants maintained in the accounting office that have been outstanding for over 90 days. These warrants should be remitted to the State Controller’s Office.

This issue could result in loss of interest to the state and possible misappropriation.

SAM, Section 8580.5, states in part, “Warrants not delivered within 90 calendar days of receipt must be deposited and remitted to an escheat revenue account in the original fund that provided the resources to the State Payroll Revolving Fund.”

Recommendation

Remit unclaimed payroll warrants over 90 days to an escheat revenue account. Ensure that there is a tracking system to show the status of all warrants over 90 days.

2. Voided Checks

The check stock was not transferred by using a transfer document. Also, it is difficult to determine the beginning and ending check numbers for emergency check stock requested.

This issue could result in difficulty accounting for checks. Additionally, late detection of errors and/or irregularities could exist.

SAM, Section 8081, states, “. . .the person who prepares checks will maintain a daily log of checks written showing the date, beginning check number, ending check number, used checks, etc. . . . The person assigned to compare signed checks to authorizations and supporting documents will maintain a daily log....”

SAM, Section 3696, states, “. . . transfer of check stock between person will be acknowledged by transfer receipts showing the check numbers of stock transferred.”

Recommendation

Review the provision of SAM related to managing check stock to ensure check stock is properly controlled and managed.

IV. POLICIES AND PROCEDURES

Operational Procedures (OP) are not updated in a timely manner. Approximately, 50 percent of the OP's are outdated and several date back to 2003.

This issue could result in staff following outdated policies and procedures.

SAM, Section 20050, Symptoms of Control Deficiencies, states in part, "Experience has indicated that the existence of one or more of the following danger signals will usually be indicative of a poorly maintained or vulnerable control system. 1. Policy and procedural or operational manuals are either not currently maintained or are nonexistent."

Recommendation

Update Operational Procedures on an annual basis to ensure that staff are following current policies and procedures.

V. TRAINING

Seven of the nine employees working in the trust office did not receive the minimum amount of training as required by the DOM. For example, five of the employees received less than ten hours of training within the past twelve months.

This condition could result in staff not being adequately trained to perform their job functions properly.

DOM, Section 32010.13, Non-probationary Employee, states, "All employees shall receive 40 hours training annually, at least eight hours of which shall be formal classroom training. The balance can be any combination of OJT, formal IST, or out-service training."

Recommendation

Ensure that all employees receive the minimum training requirements.

**OFFICE OF AUDITS AND COMPLIANCE
AUDITS BRANCH**

SALINAS VALLEY STATE PRISON

GLOSSARY

AB	Administrative Bulletin
AR	Accounts Receivable
CAP	Corrective Action Plan
CDCR 998-A	Employee Attendance Record
CDCR	California Department of Corrections and Rehabilitation
COI	Conflict of Interest
DOM	Department Operations Manual
DPOMPM	Departmental Plant Operations Maintenance Procedures Manual
EMDSS	Equipment Maintenance Data Summary Sheets
Form 700	Statement of Economic Interest
HVAC	Heating Ventilation and Air Conditioning
IMU	Institutions Maintenance Unit
M&SS	Material and Store Supervisor
NCDOM	Notice of Change to DOM
OAC	Office of Audits and Compliance
OP	Operational Procedure
PCS	Property Control System
PM	Preventive Maintenance
SAM	State Administrative Manual
SAPMS	Standard Automated Preventive Maintenance System
S&E	Services and Expense
SLAMM	State Logistics and Material Management
SCO	State Controllers Office
Std. 115	Storeroom Supply Orders
SVSP	Salinas Valley State Prison

SAMPLE FORMAT CORRECTIVE ACTION PLAN				
Item #	Audit Finding	Responsible Personnel	Proposed Action	Date to be Completed
A.1	WRITTEN NOTICE Of the 30 records reviewed, 24 (80 percent) contained a clearly stated date and reasons for placement in part I, Notice of Reasons for Placement date. The remaining three records failed to clearly document the reason for placement in sufficient detail to enable the inmate to prepare a response or defense.	Facility Captain Do Not use individuals names and do Not use Acronyms.)	A. Facility Captains will ensure that each inmate placed in Administrative Segregation will have the placement date included on all CDC 114-Ds processed. B. Training will be provided by the Facility Captains to ensure sufficient information is documented in abundant detail in order for an inmate to articulate a response or defense	2/2/2006

California Department of Corrections and Rehabilitation
Office of Audits and Compliance
Information Security Office



Information Security Review
Salinas Valley State Prison
March 23 through March 27, 2009

INFORMATION SECURITY OFFICER
Allen J. Pugnier

AUDITORS
Allen J. Pugnier and Prince Donaldson

Draft Information Security Compliance Review Draft
Salinas Valley State Prison
March 23-27, 2009

The Office of Audits and Compliance (OAC) Information Security Branch (ISB) conducted an Information Security Compliance Review of Salinas Valley State Prison (SVSP) from March 23 through March 27, 2009. The review covered 18 different areas. SVSP was compliant in 15 areas, partially compliant in 2 areas, and non-compliant in 1 area. The overall score is 94 percent. The chart below details these findings.

FINDINGS SUMMARY:

		Score	Compliant	Partial Compliance	Non Compliant
STAFF COMPUTING ENVIRONMENT					
1.	1857 on file.	100%	C		
2.	Annual Self-Certification of Information.	100%	C		
3.	Information security training is current.	100%	C		
4.	Staff can log on using their own password.	100%	C		
5.	Security Awareness and Confidentiality forms are on file	100%	C		
6.	Physical location of computer agrees with inventory records.	96%	C		
7.	Staff computer labeled "No Inmate Access."	100%	C		
8.	Staff monitors are not visible to inmates.	100%	C		
9.	Anti virus updates are current.	84%		P	
10.	Security patches are current.	70%		P	

INMATE COMPUTING ENVIRONMENT (Education, Library, Clerks)					
11.	Physical location of CPUs agrees to inventory records	100%	C		
12.	Computer labeled as an inmate computer.	100%	C		
13.	Anti virus updates are current.	33%			NC
14.	Inmate monitors are visible to supervisor.	100%	C		
15.	Portable media is controlled.	100%	C		
16.	Telecommunications access is restricted.	100%	C		
17.	Operating system access is restricted.	100%	C		
18.	Printer access is restricted.	100%	C		

Test Totals

15	2	1
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Overall Percentage 94%

OBJECTIVES, SCOPE AND METHODOLOGY

The objectives of the Information Security Compliance Review are to:

- Assess compliance to selected information security requirements,
- Evaluate other conditions discovered during the course of fieldwork that may jeopardize the security of information assets of the facility or of the Department,
- Provide information security training for management and staff.

The Information Security Branch (ISB) did not review any Prison Industry Authority computers.

In conducting the fieldwork, the ISB performs the following:

- Interview members of senior management, information technology staff, institutional staff, and computer users.
- Ask staff to provide evidence that all authorized computer users have Acceptable Use Agreement forms and the appropriate training support documentation on file.
- Tests selected information security attributes of users and IT equipment using three different population samples. This includes both staff and inmate computing environments.
- Review various laws, policies, procedures, related to information security in a custody environment.
- Conduct physical inspections of selected computers.
- Observe the activities of the Information Technology support staff.
- Analyze the information gathered through the above processes and formulate conclusions.

FINDINGS AND RECOMMENDATIONS

The ISB provided a copy of our review guide to your IT staff. It contains audit criteria and a detailed methodology. That information, therefore, is not duplicated under each finding.

ISB's findings and recommendations are listed below. ISB staff discussed them with management in an exit conference following our fieldwork. Please contact us if you would like to discuss further, any of these issues.

Draft Information Security Compliance Review Draft
Salinas Valley State Prison
March 23-27, 2009

**1. Staff computers do not have up-to-date antivirus software.
(84 percent Compliance)**

Recommendation: Update antivirus software on all staff computers.
(DOM 48010.9)

**2. Staff computers do not have up-to-date security patches.
(70 percent Compliance)**

Recommendation: Update security patches on all staff computers.
(DOM 48010.9)

**3. Inmate accessed computers do not have up-to-date antivirus software.
(33 percent compliance)**

Recommendation: Update antivirus software on all inmate computers.
(DOM 48010.9)

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF AUDITS AND COMPLIANCE

PROGRAM COMPLIANCE REVIEW

REPORT OF FINDINGS

EDUCATION
COMPLIANCE

SALINAS VALLEY STATE PRISON

MARCH 23 – MARCH 27, 2009



CONDUCTED BY

EDUCATIONAL COMPLIANCE BRANCH

EXECUTIVE SUMMARY

OFFICE OF AUDITS AND COMPLIANCE

EDUCATION COMPLIANCE BRANCH REVIEW

Salinas Valley State Prison

March 23-27, 2009

TEAM MEMBERS:

*G. Lynn Hada, Principal, OAC
Beverly Penland, Vocational Vice-Principal, OAC
Valarie Anderson, Academic Vice-Principal, OAC
Timothy Crawford, Senior Librarian, CTF
Mark Lechich, Academic Vice-Principal, OCE-WIA
Sarita Mehtani, Principal, OCE-EOP*

197 Areas Reviewed

CATEGORIES	PERCENTAGE OF COMPLIANCE	PERCENTAGE OF COMPLIANCE: Feb. 2008 Review
Education Administration	49 ÷ 66 = 74%	62%
Academic Education	35 ÷ 65 = 54%	65%
Vocational Education	16 ÷ 26 = 62%	40%
Library/Law Library	17 ÷ 29 = 59%	69%
Federal Programs	11 ÷ 11 = 100%	100%
Special Programs*	N/A %	
Total:	128 ÷ 197 = 65%	63%

Your corrective action plan (CAP) must address each of the deficiencies listed below for each category with a score in the table above. The CAP must be submitted to the Superintendent of the Office of Correctional Education for review and/or modification. The CAP then is due to the Office of Audits and Compliance (OAC) for review within 30 days after your receipt of the preliminary report from OAC.

EXECUTIVE SUMMARY

Office of Audits and Compliance

Educational Compliance Branch

ADMINISTRATION SECTION

I. EDUCATION ADMINISTRATION:

74% COMPLIANCE

Deficiency:

#2 Based upon current policy (amount of budget allotted) does it appear that a viable spending plan is in place in order for allocated funds to be fully utilized by year end? **There have been no purchase exemptions submitted by the principal to the Office of Correctional Education and no purchasing is taking place.**

#3 Are funds allocated by Office of Correctional Education available and spent within program areas? **No purchase exemptions have been submitted by the principal to the Office of Correctional Education; the only funds currently available and being spent are Workforce Investment Act funds.**

#5 Are allocated funds for the Bridging Programs, including Arts In Corrections, used to provide program services to inmates? **No purchase freeze exemption has been submitted by the principal to the Office of Correctional Education for the expenditure of these funds.**

#8 Are the Education Monthly Report and the Education Daily Report accurate and being completed and submitted on a timely basis? **The Education Monthly Report is being submitted on a timely basis but perusal of the report disclosed several errors.**

#12 Are 100% of the staff job descriptions and duty statements on file and applicable to current position? **Several teachers' duty statements did not correspond to the actual assignment of the teacher. (Repeated from Feb. 2008)**

#26 Is an approved Alternative Education Delivery Model Operational Procedure in place? **There is mention of the Alternative Education Delivery Model programs in the current Educational Department Operation Manual Supplement but it is very general and does not conform the to detail required by the California Correctional Peace Officers Association and Office of Correctional Education agreement. The Alternative Education Delivery Model Operational Procedure is dated 2007. (Repeated from Feb. 2008)**

#27 Are all of the Alternative Education Delivery Models being locally implemented at the institution in agreement with the California Correctional Peace Officers Association agreement and the institutional Operational Procedure? **There is mention of the Alternative Education Delivery Model programs in the Educational Department Operation Manual Supplement but it is very general and does not conform the to detail required by the California Correctional Peace Officers Association and Office of Correctional Education agreement. RECOMMENDATION: It is recommended that the principal consider implementing the Alternative Education Delivery Model of Half-time Education/Half-time Independent Study to reduce the academic waiting list. This is also noted in the October 2008 Office of Inspector General Salinas Valley State Prison Quadrennial and Warden Audit as a possible solution to the waiting list problem. (Repeated from Feb. 2008)**

#30 Are Alternative Education Delivery Model inmate enrollments/assignments being made based on eligibility criteria of the enrollments/assignment as defined in the course descriptions and guidelines? **The Independent Study teacher is using the Distance Learning model. (Repeated from Feb. 2008)**

EXECUTIVE SUMMARY

Office of Audits and Compliance

Educational Compliance Branch

ADMINISTRATION SECTION

#31 *Are all Alternative Education Delivery Model Programs operating as full-time programs that meet the program-wide quotas? Are all approved Alternative Education Delivery Model faculty schedules posted? The Alternative Education Delivery Model classes are only enrolled to 82 percent of the quota. There are no Alternative Education Delivery Model faculty schedules posted. (Repeated from Feb. 2008)*

#34 *Are Certificates of Vocational or Academic Completion being issued to those students earning them and recorded on a tracking system? Are Certificates of Achievement issued to those students who exit the program before the Certification of Completion is earned? Not all teachers are issuing Certificates of Achievement appropriately. (Repeated from Feb. 2008)*

#38 *Does the Academic Vice-Principal/Vocational Vice-Principal provide documented In-Service Training and On-the-Job Training? Have all currently due probationary and annual performance evaluations been completed? There are many annual performance evaluations and probationary evaluations that are overdue. (Repeated from Feb. 2008)*

#39 *Are supervisors documenting their contact with staff and inmates that are involved in the bridging program? There is no documentation of this contact but the principal stated that contact was taking place. (Repeated from Feb. 2008)*

#40 *Are TLN quarterly reports being submitted to Office of Correctional Education by the due dates of Oct. 10, January 10, April 10 and July 10? There were no records of any reports or of their submittal to the Office of Correctional Education.*

#46 *Do academic, vocational, Bridging Education Program, Enhanced Outpatient Program and Alternative Education Delivery Model enrollments meet the required program quotas (15:1, 27:1, 54:1, 120:1)? The Vocational Programs and Bridging Education Program assignments are well under the quotas for the programs. (Repeated from Feb. 2008)*

#49 *Is education staff attending Institution Classification Committee meetings for input into the placement of inmates into education programs? No one from the Education Department has attended Institution Classification Committee meetings for several months contrary to Department Operation Manual requirements.*

EXECUTIVE SUMMARY

Office of Audits and Compliance

Educational Compliance Branch

ADMINISTRATION SECTION

#58 Do all of the quarterly California Department of Corrections and Rehabilitation Form 128E and Form 154 (and/or other official student school transcripts) reports contain current and appropriate information that includes credits earned, course completions? Does the appropriate instructional staff sign all of the above reports? (Supervisory staff when instructional staff is not available) Does supervisory staff (Academic Vice-Principal/Vocational Vice-Principal) review these reports? **None of the California Department of Corrections and Rehabilitation Form 154 cards contained a record of credits earned. Some teachers were not updating the cards quarterly as required. There were missing California Department of Corrections and Rehabilitation Form 128Es in many files. Many files did not contain current or correct Test of Basic Adult Education scores and records. Very few of the files contained the TestMate Subtest Reports and the TestMate Pre-Post Reports as required by the Office of Correctional Education Memo signed by Jean Bracy dated February 10, 2006. There were several instances of Test of Basic Adult Education chronological reports that merely stated "Inmate refused to test," yet there was no record of any action taken in the file and the inmate remained in the class for several months. It was also noted that there were cases of students achieving a reading score of 12.9 at another institution but at Salinas Valley State Prison the overall score was in the 2.0 range with no indication noted in the file of reasons or what action was taken. (Repeated from Feb. 2008)**

#59 Are Education Files with a copy of the Record of Inmate Achievement (California Department of Corrections and Rehabilitation Form 154) transferred to Central Records when a student leaves education, transfers or paroles? Is the original copy of the Record of Inmate Achievement (California Department of Corrections and Rehabilitation Form 154 or High School Transcript) kept in the Education Office files in perpetuity? Are Education Files prepared for all assigned inmates? Are Bridging Education Program Education Files prepared for all assigned bridging students in the RC and transferred to the GP receiving institution? When an inmate leaves the prison, the education file is mailed to the proper destination. The auditor was told that Central Records refused to accept the education file for shipment due to workload issues. (Repeated from Feb. 2008)

EXECUTIVE SUMMARY

Office of Audits and Compliance

Educational Compliance Branch

ACADEMIC EDUCATION SECTION

II. ACADEMIC EDUCATION:

54% COMPLIANCE

Deficiency:

#2 Do all the of classroom files reflect Test of Adult Basic Education scores that are being administered according to the quarterly testing matrix and that are not over six months old for students under the California Department of Corrections and Rehabilitation Literacy Plan criteria and Office of Correctional Education Test of Adult Basic Education testing requirements? One teacher did not have the current Test of Adult Basic Education scores in the student files.

#3 Are all of the California Department of Corrections and Rehabilitation Form 128E chronological reports, classroom records and timekeeping documents, current, accurate, and secure? One teacher did not have California Department of Corrections and Rehabilitation Form 128E's in the student files and some files were missing a current Form 128 E.

#4 Is 100% of the California Department of Corrections and Rehabilitation curriculum recording system in-use, accurate, and current? Several teachers were not using the approved California Department of Corrections and Rehabilitation approved curriculum. The teachers indicated they were not using the curriculum due to the lack of teacher's editions, textbooks and/or materials.

#5 Does the Permanent Class Record Card (California Department of Corrections and Rehabilitation Form 151) reflect the minimum student contact time of 6.5 hours x-time or 8.5 hours of x-time for 4-10 programs for traditional classes? Some teachers were not recording "S" time that occurred due to custody issues, in particular on C and E yard. Students are to receive 6.5 hours of instructional time. When this does not occur it must be accurately recorded as "S" time. (Repeated from Feb. 2008)

#6 Are Certificates of Completion or Achievement being issued to those students earning them? There is a general lack of understanding among the teachers as to when it is appropriate to issue certificates of completion or certificates of achievement.

#7 Do all of the academic education classes have lesson plans that agree with the California Department of Corrections and Rehabilitation approved curriculum? Several teachers do not have lesson plans that reflect the new California Department of Corrections and Rehabilitation core curriculum. Some teachers are lacking all or some core materials needed to use the core curriculum.

#8 Are the required and/or elective credits in the academic subject being taught issued to inmates and recorded on the transcript? Most teachers were unaware that they were to be giving and recording credits for student coursework. Most teachers were very positive about giving their students credits for completed work.

EXECUTIVE SUMMARY

Office of Audits and Compliance

Educational Compliance Branch

ACADEMIC EDUCATION SECTION

#9 Do all of the academic education classes have course outlines that agree with the California Department of Corrections and Rehabilitation approved curriculum? **Not all of the teachers had a course outline for their class. The current course outlines are available in the approved California Department of Corrections and Rehabilitation, Office of Correctional Education core curriculums. (Repeated from Feb. 2008)**

#19 Is a master inventory of Test of Adult Basic Education test booklets and answer sheets maintained by the testing coordinator? **The Office Technician indicated that there was no computerized master inventory for test books or answer sheets. They are using a manual system. It is recommended that a computerized inventory of test books and answer sheets be developed.**

#24 Is the Test of Adult Basic Education locator being used when needed to determine which level appropriate Test of Adult Basic Education test to administer? **A few of the teachers were unfamiliar with the Test of Adult Basic Education locator test which is used to identify the appropriate testing level. (Repeated from Feb. 2008)**

#25 Are teachers using pre-post subtest diagnostic reports for student needs assessment and are they reviewing test scores with inmates? **A few teachers were not reviewing the Test of Adult Basic Education subtest report with their students. It is recommended that when they review the sub test with the student that both the teacher and student initial the sub test report.**

#26 Are teachers using the Test of Adult Basic Education test results as a diagnostic tool for individualized instruction and troubleshooting Test of Adult Basic Education score losses in their classes? **A few teachers were not utilizing the Test of Adult Basic Education subtest as a tool to diagnose and develop individualized instruction as well as troubleshoot score losses.**

#27 Are current Test of Adult Basic Education subtests placed in student's file? **One teacher did not have subtests in the student's classroom file.**

#28 Are Alternative Education Delivery Model Open Line schedules with dates and times posted in public areas for inmate access to educational services during off work hours? **Only one teacher posted the schedules with dates and times in the housing units. It is recommended that Open-Line schedules be posted in all public areas in all yards. (Repeated from Feb. 2008)**

#31 Are teachers awarding inmates certificates for achievement/completion in Alternative Education Delivery Model programs? **The Distance Learning teachers indicated they issue certificates of Completion for Transforming Lives Network classes but do not issue certificates of achievement when an inmate does not complete a class/program. (Repeated from Feb. 2008)**

#34 Do all of the Distance Learning classes have current course outlines and lesson plans that agree with the Office of Correctional Education approved curriculum? **The Distance Learning teachers do not use the Office of Correctional Education curriculum for the General Education Development program. (Repeated from Feb. 2008)**

EXECUTIVE SUMMARY

Office of Audits and Compliance

Educational Compliance Branch

ACADEMIC EDUCATION SECTION

#38 Are students' gains being recorded and tracked? **The Distance Learning Teachers are not administering the Comprehensive Adult Student Assessment System test but are in the process of completing Test of Adult Basic Education assessments so that they can record and track student gains. (Repeated from Feb. 2008)**

#50 Are exits clearly marked and emergency evacuation plans posted in accordance with the institution's emergency evacuation plan? **One of the academic classrooms did not have an exit sign above the exit door.**

#51 Does the Pre-Release curriculum contain Life Skills; Communication Skills; Attitude and Self-Esteem; Money Management; Community Resources; Job Application Training; DMV Practice Test; and Parole Services? **The Pre-Release teacher does not use the California Department of Corrections and Rehabilitation/Office of Correctional Education approved Pre-Release curriculum. It is recommended that the Pre-Release teacher contact Office of Correctional Education to obtain the current and complete Pre-Release curriculum and implement the approved curriculum. (Repeated from Feb. 2008)**

#52 Do all of the Pre Release lesson plans contain the objective, handouts, and methods for student evaluation? **The Pre-Release teacher has a variety of lesson plans for teacher-created materials, but does not meet all the requirements of the Office of Correctional Education approved Pre-Release curriculum. (Repeated from Feb. 2008)**

#54 Is the Pre-Release curriculum recording system in-use, accurate, and current and are copies of monthly records maintained? **The Pre-Release teacher does not use the approved Competency Recording System. (Repeated from Feb. 2008)**

#56 Is the Pre-Release class a full-time program (4 days/8.5, 5 days 6.5 hours)? If no, is there an exemption on file? **Due to custody issues, students arrive at approximately 0900 hours until 1100 hours and again from 1300 hours until 1500 hours, for a total of four hours student contact time out of the required 6.5 hours. There was no exemption on file.**

#58 Does the Pre-release Teacher use the Framework for Breaking Barriers? **The Pre-Release teacher does not use the complete Breaking Barriers framework. The complete framework is part of the Pre-release program requirements. (Repeated from Feb. 2008)**

#68 Is there a current and comprehensive activity schedule for the Recreation and/or Physical Education Program? **The Physical Education Teacher does not have a current or comprehensive activity schedule for any recreation or physical education program. The teacher indicated that physical education activities are handled by the recreation officer and officer's clerks on each yard. The physical education teacher said he does visit and works with the recreation officer.**

EXECUTIVE SUMMARY

Office of Audits and Compliance

Educational Compliance Branch

ACADEMIC EDUCATION SECTION

#70 Does the Physical Education teacher have sign-up sheets, team rosters, or other evidence of inmate participation in sports and health education activities? **The Physical Education teacher does not keep or have any sign-up rosters. The recreational officer on each yard and his clerks determine what activities are offered, the number of participants, sign up sheets and check out equipment. The recreation officer turns in the number of participants for the activities to the Physical Education teacher who orders and delivers the prizes.**

#71 Is California Department of Corrections and Rehabilitation approved State frameworks curriculum being used and are course outlines present? **The Physical Education teacher does not provide physical education classes or training programs. He does not use the Healthful Living California Department of Corrections and Rehabilitation curriculum.**

#72 Are health education, physical fitness training and recreational activities being provided to the Special Needs populations? **The Physical Education teacher does not provide recreation activities for the Special Needs population. However, board games, pinochle cards and the heavy bag are available upon request. It is recommended that activities for the Special Needs population are organized to include health education classes, physical fitness training and specific recreation activities that address the Special Needs population.**

#76 Are health education, physical fitness training and recreational activities being provided to the geriatric population (age 55 and over)? **The Physical Education teacher does not provide organized health education, physical fitness training classes, or recreational activities geared to the geriatric population. However, the recreational officer on the yards tracks the inmates, 55 or older, who sign up for board games, pinochle, or the heavy bags. The teacher does have some handouts available for the geriatric population on how to approach physical activities.**

EXECUTIVE SUMMARY

Office of Audits and Compliance

Educational Compliance Branch

VOCATIONAL EDUCATION SECTION

III. VOCATIONAL EDUCATION:

62% COMPLIANCE

Deficiency:

#5 *Does the Permanent Class Record Card (California Department of Corrections and Rehabilitation Form 151) reflect the minimum student contact time of 6.5 hours x-time or 8.5 hours of x-time for 4-10 programs?* On "E" yard the students arrive at approximately 0900 hours until 1100 hours and again from 1300 hours until 1500 hours, for a total of four hours student contact time out of the required 6.5 hours.

#6 *Are elective credits in the designated vocational subject being issued to inmates and recorded on the transcript?* The teachers were unaware they could issue elective credits. They felt it was a great idea. (Repeated from Feb. 2008)

#7 *Are Trade/Industry Certifications being issued and recorded to those students earning them?* Students do not have the opportunity to learn the hands-on portion of the curriculum. Currently the teachers are only able to provide the written portions related to their respective trades. Both teachers are working towards issuing industry certifications when they are able to provide hands-on training and experience. (Repeated from Feb. 2008)

#11 *Have the Literacy Implementation Plan sections (applicable to Vocational Education) been incorporated through a core set of literacy materials into the instructional plan and do lesson plans verify this?* The teachers are not documenting that a core set of literacy materials is incorporated for inmates reading below the 9.0 grade point level. (Repeated from Feb. 2008)

#12 *Are Vocational Instructors conducting and documenting at least 4 hours of approved related formal classroom training each week for all inmate students?* The teachers were not documenting the formal related classroom training. They both are providing the training but need to document a minimum of four hours each week. (Repeated from Feb. 2008)

#13 *Are all of the vocational programs that have a nationally recognized certification programs participating in that program?* The teachers are unable to issue trade certifications due to the lack of hand-on training and experience for their students. (Repeated from Feb. 2008)

#30 *Is the Test of Adult Basic Education locator being used when needed to determine which level appropriate Test of Adult Basic Education test to administer?* The teachers were unaware of the Test of Adult Basic Education locator test and its use to identify the appropriate test level. (Repeated from Feb. 2008)

#38 *Is there an Inmate Safety Committee that conducts and records weekly safety inspections?* One of the teachers did not have an inmate safety committee. (Repeated from Feb. 2008)

#40 *Does the instructor have a documented, Trade Advisory Committee that meets at least quarterly?* The teachers do not have committee members at this time. It is recommended that the teachers solicit committee members and document phone contacts in the interim.

EXECUTIVE SUMMARY

Office of Audits and Compliance

Educational Compliance Branch

LIBRARY/LAW LIBRARY SECTION

IV. LIBRARY/LAW LIBRARY:

59% COMPLIANCE

Deficiency:

#1 Does the Principal, Academic Vice-Principal, or Vocational Vice-Principal supervise the library staff? Does the Senior Librarian implement/plan the library program? The position of Senior Librarian and Librarian is vacant. The institution has hired a retired annuitant for the position of Senior Librarian but every effort should be made to fill both positions permanently. (Repeated from Feb. 2008)

#2 Is the current Department Operation Manual, Section 53060 available in the main libraries and the satellite libraries? Is there a Department Operation Manual library supplement that is brief, and contains no new policies and/or regulations unless they are court-ordered and does the Department Operation Manual supplement reflect the current, actual local library program? Two of the satellite libraries do not have copies of Department Operation Manual Section 53060.

#7 Are library funds spent for magazines/newspaper subscriptions, fiction and nonfiction books, supplies, processing, repair, and interlibrary loan fees? If other items are purchased, are they for library use? There have been no purchase freeze exemptions submitted by the principal to the Office of Correctional Education and therefore no funds have been expended on library materials. (Repeated from Feb. 2008)

#8 Are Inmate Welfare Funds used to purchase newspapers, magazines, and paperback fiction books, etc.? There have been no purchase freeze exemptions submitted by the principal to the Office of Correctional Education and therefore no funds have been expended on library materials.

#11 Are law library discs checked in by the Associate Information Specialist Analyst? If not, who checks them in? The Senior Librarian (Retired Annuitant) checks in the discs. (Repeated from Feb. 2008)

#14 Does each library in the institution have a current world almanac, an atlas that is no more than three (3) years old, an English language dictionary that is no more than five (5) years old, and a Spanish and English dictionary that is no more than ten (10) years old? There are no recent unabridged dictionaries. There are recent encyclopedias.

#16 Does each library in the institution have at least one textbook and two supplemental titles which have copyright dates not more than ten years old representing each vocational and academic program in the institution, a minimum of 100 titles representing high interest/low level reading books, a minimum of 250 multi-ethnic titles, including but not limited to Black American, Asian-American, Hispanic-American (inc. Spanish language) and Native American materials? All libraries had academic program materials but no library had vocational texts. Most libraries have some high/low material and some multi-ethnic material. Only one library had the prescribed quantity.

EXECUTIVE SUMMARY

Office of Audits and Compliance

Educational Compliance Branch

LIBRARY/LAW LIBRARY SECTION

#17 *Are book collections designed to meet the needs and interests of the inmate population served? Does the librarian regularly meet with an inmate library advisory group, and does the library maintain a suggestion box?* **The librarian has not been meeting with the Men's Advisory Council although the principal sometimes does.**

#18 *Does the current library collection contain the number of fiction and nonfiction books mandated by California Department of Corrections and Rehabilitation? Does this include any new books purchased through Recidivism Reduction Strategies (RRS) funding?* **The books purchased through Recidivism Reduction Strategies funding were redirected to the literacy program and are not used or housed in the library.**

#19 *Have all books purchased through the Recidivism Reduction Strategy funds been received, shelved, and inmate use tracked?* **The books purchased through Recidivism Reduction Strategies funding were redirected to the literacy program and are not used or housed in the library. (Repeated from Feb. 2008)**

#22 *Are the Gilmore v. Lynch mandated law books up to date? Does the library collection have the most current California Code of Regulations/Title 15 in English and Spanish? Is there a method of displaying proposed and actual revisions of California Code of Regulations/Title 15 for the inmate population, and does each library have a complete up-to-date Department Operation Manual? Are all the Law Library Electronic Delivery System computers up-to-date and operating in each library?* **There was no Spanish California Code of Regulations available. The Law Library Electronic Data System discs are not up-to-date. (Repeated from Feb. 2008)**

#24 *Is a procedure for accessing the Circulating Law Library in place?* **The procedures are not in place.**

EXECUTIVE SUMMARY
Office of Audits and Compliance **Educational Compliance Branch**
SPECIAL PROGRAMS SECTION

V. FEDERAL PROGRAMS: **100% COMPLIANCE**

Workforce Investment Act Program:

Deficiency:

No Deficiencies Noted.

IV. SPECIAL PROGRAMS*: **N/A** **COMPLIANCE**

OVERALL COMPLIANCE RATING: 65%.

Administrative staff is apprised that the ratings presented are to be considered tentative, and are subject to change pending final review by the Assistant Secretary, Office of Audits and Compliance. Significant changes in ratings will be documented with full explanations and forwarded to the Warden within 15 working days after the conclusion of the Compliance Review.

March 27, 2009

G. Lynn Hada, Principal

* Denotes Developmental Disabilities Program (Clark Remedial Plan) and Physical Disabilities Program (Armstrong)

DEPARTMENT OF CORRECTIONS AND REHABILITATION



Education Compliance Branch

COMPLIANCE REVIEW FINDINGS

Salinas Valley State Prison

March 23-27, 2009

ADMINISTRATION

G. Lynn Hada

ACADEMIC EDUCATION

Valarie Anderson, Beverly Penland

VOCATIONAL EDUCATION

Beverly Penland, Valarie Anderson

LIBRARY

Timothy Crawford

FEDERAL SUPPLEMENTARY PROGRAMS

Mark Lechich, Sarita Mehtani

COMPLIANCE REVIEW FINDINGS

EDUCATION ADMINISTRATION SECTION

No.	INSTITUTION: SVSP		Yes/No or N/A	COMMENTS
	DATE:	March 23-27, 2009		
	COMPLIANCE TEAM:	G. Lynn Hada		
1.	Allotments/Operating Expenses: <ul style="list-style-type: none"> Does the Principal maintain a budget tracking system to monitor the school departments' complete budget? Is there an annual spending plan to determine sub-allotments to programs, expenditures and their balance? 		Yes	
2.	Based upon current policy (amount of budget allotted) does it appear that a viable spending plan is in place in order for allocated funds to be fully utilized by year end?		No	There have been no purchase exemptions submitted by the principal to the Office of Correctional Education and no purchasing is taking place.
3.	Are funds allocated by Office of Correctional Education available and spent within program areas?		No	No purchase exemptions have been submitted by the principal to the Office of Correctional Education; the only funds currently available and being spent are Workforce Investment Act funds.
4.	Are funds tracked by funding source? General Fund, special Budget Change Proposal funding, Federal and State Grant Programs allocated by Office of Correctional Education?		Yes	
5.	Are allocated funds for the Bridging Education Programs, including Arts In Corrections (AIC), used to provide program services to inmates?		No	No purchase freeze exemption has been submitted by the principal to the Office of Correctional Education for the expenditure of these funds.

COMPLIANCE REVIEW FINDINGS

EDUCATION ADMINISTRATION SECTION

6.	Are law library purchases funded by the institution's general budget?	N/A	This item is no longer applicable to the institution. It has been moved to a higher level. The following statement indicates that Office of Correctional Education is attempting to get the Law Library designated funds moved to Program 45 and the California Department of Corrections and Rehabilitation Agency Secretary has been briefed on the problem. The Office of Correctional Education Superintendent on July 3, 2008 provided the following written statement and Budget Change Letter #3 spreadsheet via an email; <i>"Here is the distribution to the field for funding for both the 06/07 and 07/08 Gilmore collection. We have already processed the 08/09 purchases out of our office and they are currently in Procurement. As the 08/09 budget has not been signed we don't have initial 08/09 allotment to the field. The funding in this BC3 is from Program 45—not the institution Program 25 funds. The Financial Information Memorandum permanently moving Library to education in 2006 is still valid. Due to lack of designated funds we have flagged this to Office of Attorney General and Office of Court Compliance. Furthermore we've briefed Matt Cate and have written a proposal for the funding."</i>
7.	Is the school following the Education Hiring Steps and Responsibilities memo and matrix dated July 13, 2006 instructions when filling vacancies?	Yes	
8.	Are the Education Monthly Report (EMR) and the Education Daily Report (EDR) accurate and being completed and submitted on a timely basis?	No	The Education Monthly Report is being submitted on a timely basis but perusal of the report disclosed several errors.

COMPLIANCE REVIEW FINDINGS

EDUCATION ADMINISTRATION SECTION

9.	Has adequate space and equipment been provided for staff to perform the required duties of the Reception Center/Bridging Education Program, Arts In Corrections program and the Television Specialist?	Yes	
10.	<div style="border: 1px solid black; padding: 2px;">Credentials:</div> Are all instructional and supervisory staff credentialed appropriately within subject matter area where they are assigned?	Yes	
11.	Does the assigned bridging staff hold appropriate credentials and/or placed in the appropriate Re-Entry classification?	Yes	
12.	<div style="border: 1px solid black; padding: 2px;">Duty Statements:</div> Are 100% of the staff duty statements on file and applicable to current position?	No	Several teachers' duty statements did not correspond to the actual assignment of the teacher.
13.	<div style="border: 1px solid black; padding: 2px;">Operational Procedures:</div> Does the institution have an Operational Procedure that addresses the legislative mandates of the Bridging Education Program?	Yes	
14.	Does the institution have an Operational Procedure for the Education Program? Does it use Department Operation Manual Chapter 10 as an inclusion?	Yes	
15.	<div style="border: 1px solid black; padding: 2px;">Staff Assignments:</div> Does the Principal maintain a current and complete list of all authorized positions and their status?	Yes	
16.	Are all staff appropriately working and/or assigned within the education program?	Yes	
17.	Do all staff within the education program report to, and are under the Principal's supervision?	Yes	
18.	Is the Bridging Education Program Reception Center/General Population/Arts In Corrections fully staffed with supervisory, instructional and ancillary personnel?	Yes	

COMPLIANCE REVIEW FINDINGS

EDUCATION ADMINISTRATION SECTION

19.	Are Re-Entry Program instructors, class code 7581, assigned only to the Bridging Education Program (BEP)?	Yes	
20.	When Bridging Education Program vacancy occurs, is it immediately reclassified to class code 2290 Teacher, High School, General Education?	Yes	
21.	Has the Artist Facilitator been officially assigned to the Education Department?	Yes	
22.	Is there a system in place that is being utilized to ensure the tracking of inmates and their completed assignments during their transition from the Reception Center to the General Population Institution?	Yes	
23.	Has an individual been designated to be responsible for trouble-shooting the equipment and contacting Transforming Lives Network for needed support?	Yes	A plant operations electronic technician in conjunction with the TV Specialist.
24.	When there is a modified program, class closure, etc., is a plan in place to continue to deliver education services and other required educational activities and is the plan always implemented?	Yes	
25.	Is the Assessment Office Assistant (OA) performing duties delineated in the Assessment OA duty statement?	Yes	
26.	<div style="border: 1px solid black; padding: 2px;"> Alternative Education Delivery Model (AEDM): </div> Is an approved Alternative Education Delivery Model Operational Procedure in place?	No	There is mention of the Alternative Education Delivery Model programs in the current Educational Department Operation Manual Supplement but it is very general and does not conform the to detail required by the California Correctional Peace Officers Association and Office of Correctional Education agreement. The Alternative Education Delivery Model Operational Procedure is dated 2007.

COMPLIANCE REVIEW FINDINGS

EDUCATION ADMINISTRATION SECTION

27.	Are all of the Alternative Education Delivery Models being locally implemented at the institution in agreement with the California Correctional Peace Officers Association agreement and the institutional Operational Procedure per the Suzan Hubbard memo dated May 5, 2005?	No	There is mention of the Alternative Education Delivery Model programs in the Educational Department Operation Manual Supplement but it is very general and does not conform the to detail required by the California Correctional Peace Officers Association and Office of Correctional Education agreement. RECOMMENDATION: It is recommended that the principal consider implementing the Alternative Education Delivery Model of Half-time Education/Half-time Independent Study to reduce the academic waiting list. This is also noted in the October 2008 Office of Inspector General Salinas Valley State Prison Quadrennial and Warden Audit as a possible solution to the waiting list problem.
28.	Are all Alternative Education Delivery Model positions filled?	Yes	Per the 2007 version of the Alternative Education Delivery Model Operational Procedure only the Distance Learning model is authorized. On the roster there is an Independent Study and a Distance Learning teacher; however both teachers are performing Distance Learning functions.
29.	Do all Alternative Education Delivery Model faculties have the approved Alternative Education Delivery Model Duty Statement with required signatures?	Yes	
30.	Are Alternative Education Delivery Model inmate enrollments/assignments being made based on eligibility criteria of the enrollments/assignment as defined in the course descriptions and guidelines?	No	The Independent Study teacher is using the Distance Learning model.

COMPLIANCE REVIEW FINDINGS

EDUCATION ADMINISTRATION SECTION

31.	<ul style="list-style-type: none"> Are all Alternative Education Delivery Model Programs operating as full-time programs that meet the program-wide quotas? Are all approved Alternative Education Delivery Model faculty schedules posted? 	No	The Alternative Education Delivery Model classes are only enrolled to 82% of the quota. There are no Alternative Education Delivery Model faculty schedules posted.
32.	<div style="border: 1px solid black; padding: 2px;">Gender Responsive Strategies:</div> <p>Has all education staff received Gender Responsive Strategies training provided by the Female Offender Programs (FOP) institutional administration?</p>	N/A	
33.	Are female inmates' vocational assignments being made based on the eligibility criteria of the vocational assignment as defined in the course descriptions and vocational guidelines?	N/A	
34.	<div style="border: 1px solid black; padding: 2px;">Certificates of Completion or Achievement:</div> <ul style="list-style-type: none"> Are Certificates of Vocational or Academic Completion being issued to those students earning them and recorded on a tracking system? Are Certificates of Achievement issued to those students who exit the program before the Certification of Completion is earned? 	No	Not all teachers are issuing Certificates of Achievement appropriately.
35.	<div style="border: 1px solid black; padding: 2px;">Executive/Supervisory Assignments:</div> <p>Are documented staff meetings held regularly by Principal, Academic Vice Principal (AVP), and Vocational Vice Principal (VVP)? (monthly or more)</p>	Yes	
36.	Is the Principal a member of the Warden's Executive Staff?	Yes	
37.	Does all supervisory staff conduct and record classroom visitations and observations on a quarterly basis?	Yes	
38.	<ul style="list-style-type: none"> Does the Academic Vice-Principal/Vocational Vice-Principal provide documented In-Service-Training and On-the-Job-Training? Are all probationary and annual performance evaluations currently due completed? 	No	There are many annual performance evaluations and probationary evaluations that are overdue.

COMPLIANCE REVIEW FINDINGS

EDUCATION ADMINISTRATION SECTION

39.	Are supervisors documenting contact with staff and inmates involved in the bridging program?	No	There is no documentation of this contact but the principal stated that contact was taking place.
40.	Are Transforming Lives Network quarterly reports being submitted to Office of Correctional Education by the due dates of Oct. 10, January 10, April 10 and July 10?	No	There were no records of any reports or of their submittal to the Office of Correctional Education.
41.	<div style="border: 1px solid black; padding: 2px;">Test of Adult Basic Education:</div> <ul style="list-style-type: none"> Is the Principal trouble shooting Test of Adult Basic Education score losses identified on the School Program Assessment Report Card (SPARC)? Is the principal implementing remedial changes to improve the scores? 	Yes	
42.	Is there a 4.0 reading level report generated and distributed to appropriate staff?	Yes	
43.	Is a list of inmates who have a verified Learning Disability generated and distributed to appropriate staff?	Yes	
44.	<div style="border: 1px solid black; padding: 2px;">Accreditation:</div> <p>Has the education program been accredited by Western Association of Schools and Colleges (WASC), or has the application for accreditation been submitted to Western Association of Schools and Colleges?</p>	Yes	
45.	<ul style="list-style-type: none"> Is there a continuing Western Association of Schools and Colleges process being followed by the school with the action plans being actively addressed in a timely manner? Is there a leadership team in place and do minutes substantiate regular meetings? 	Yes	
46.	<div style="border: 1px solid black; padding: 2px;">Inmate Enrollment/Attendance:</div> <p>Do Academic, Vocational, Bridging Education Program, Enhanced Outpatient Program and Alternative Education Delivery Model enrollments meet the required program quotas (15:1, 27:1, 54:1, 120:1)?</p>	No	The Vocational Programs and Bridging Education Program assignments are well under the quotas for the programs.

COMPLIANCE REVIEW FINDINGS

EDUCATION ADMINISTRATION SECTION

47.	Has the Institution developed an eligibility list for assigning inmates to the Bridging Education Program?	Yes	
48.	Does the Principal maintain a copy of the current inmate assignment waiting list?	Yes	
49.	Is education staff attending Institution Classification Committee (ICC) meetings for input into the placement of inmates into education programs?	No	No one from the Education Department has attended Initial Classification Committee for several months contrary to Department Operation Manual requirements.
50.	<div style="border: 1px solid black; background-color: #e0e0e0; padding: 2px;">Bridging Program:</div> Has the teaching staff met with each inmate upon assignment to the Bridging Education Program?	Yes	
51.	Are all Bridging Education Program eligible inmates receiving an education orientation packet upon arrival to the housing unit?	Yes	
52.	<div style="border: 1px solid black; background-color: #e0e0e0; padding: 2px;">Transforming Lives Network (TLN):</div> Has the Transforming Lives Network satellite dish been installed and operational?	Yes	
53.	Is the Literacy Coordinator (Academic Vice-Principal) designated as the Transforming Lives Network Coordinator?	Yes	
54.	Do the number of inmates being enrolled and the number completing Transforming Lives Network courses agree with the numbers reported to Office of Correctional Education?	Yes	
55.	Has Transforming Lives Network enrollment and completion data been tracked?	Yes	

COMPLIANCE REVIEW FINDINGS

EDUCATION ADMINISTRATION SECTION

56.	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">GED Testing/High School Credit:</div> <ul style="list-style-type: none"> • Is there a High School credit program and General Educational Development (GED) Testing program that follows Office of Correctional Education and State requirements? • Are High School Diplomas and GED Equivalency Certificates issued to qualified inmates? 	Yes	<p>The Education Department's policy only allows an inmate to pursue a High School Diploma if the student needs 15 or fewer credits to complete the program. The reason for this policy was stated to be that it was too much workload to issue High School Diplomas if more than 15 credits were needed. In the last year only one High School Diploma has been issued.</p>
57.	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Inmate Education Advisory Committee:</div> <p>Is there an Inmate Education Advisory Committee established with regularly scheduled monthly meetings?</p>	Yes	<p>Although January 2009 and February 2009 meetings were not held.</p>

COMPLIANCE REVIEW FINDINGS

EDUCATION ADMINISTRATION SECTION

58.	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Education Files</div> <ul style="list-style-type: none"> Do all of the quarterly California Department of Corrections and Rehabilitation Form 128E and Form 154 (and/or other official student school transcripts) reports contain current and appropriate information that includes credits earned, course completions, etc.? Does the appropriate instructional staff sign all of the above reports? (Supervisory staff when instructional staff is not available.) Does supervisory staff (Academic Vice-Principal/Vocational Vice-Principal) review these reports? 	No	<p>None of the California Department of Corrections and Rehabilitation Form 154 cards contained a record of credits earned. Some teachers were not updating the cards quarterly as required. There were missing California Department of Corrections and Rehabilitation Form 128Es in many files. Many files did not contain current or correct Test of Basic Adult Education scores and records. Very few of the files contained the TestMate Subtest Reports and the TestMate Pre-Post Reports as required by the Office of Correctional Education Memo signed by Jean Bracy dated February 10, 2006. There were several instances of Test of Basic Adult Education chronological reports that merely stated "Inmate refused to test," yet there was no record of any action taken in the file and the inmate remained in the class for several months. It was also noted that there were cases of students achieving a reading score of 12.9 at another institution but at SVSP the overall score was in the 2.0 range with no indication was noted in the file of reasons or what action was taken.</p>
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COMPLIANCE REVIEW FINDINGS

EDUCATION ADMINISTRATION SECTION

	<ul style="list-style-type: none"> • Are Education Files with a copy of the Record of Inmate Achievement (California Department of Corrections and Rehabilitation Form 154) transferred to Central Records when a student leaves education, transfers or paroles? • Is there a copy of the Record of Inmate Achievement (California Department of Corrections and Rehabilitation Form 154 or High School Transcript) kept in the Education Office files in perpetuity? • Are Education Files prepared for all assigned inmates? • Are Bridging Education Program Education Files prepared for all assigned bridging students in the Reception Center and are they then transferred to the General Population receiving institution? 	No	When an inmate leaves the prison, the education file is mailed to the proper destination. The auditor was told that Central Records refused to accept the education file for shipment due to workload issues.
60.	If there are any contracted, Office of Correctional Education sponsored or special programs operating at the institution, have the teachers assigned to these programs received special/related training?	Yes	
61.	<div style="border: 1px solid black; padding: 2px;">Literacy:</div> Are literacy programs available to at least 60% of the eligible prison population?	Yes	
62.	Is there an active Site Literacy Committee that meets and documents quarterly meetings, and is it coordinated by the Principal or an Academic Vice-Principal?	Yes	
63.	Does the Site Literacy Committee discuss the Bridging Education Program as part of its quarterly meetings?	Yes	
64.	Is the institution utilizing at least two alternate resources to implement literacy services for inmates?	Yes	No, until March of 2009. At that time a second resource for literacy was implemented.
65.	Is there an established procedure for placing students into any existing Learning Literacy (LLL) lab? (a federally or non-federally funded Computer Aided Instruction /Plato/Computer Lab)	N/A	

COMPLIANCE REVIEW FINDINGS

EDUCATION ADMINISTRATION SECTION

66.	Developmental Disability Program and Disability Placement Program: If this is a Developmental Disability Program and/or a Disability Placement Program site, does the principal have the required documentation that demonstrates adherence to the Court Remedial Plans and California Department of Corrections and Rehabilitation/Office of Correctional Education policies?	N/A	
67.	ESTELLE/Behavior Modification Programs: Is documentation available regarding the original operational intent/concept of the Estelle/Behavior Modification Unit Program and are there actual implementations of the program/programs?	Yes	
68.	Is there an Estelle/Behavior Modification Unit Program monitoring and tracking process in place to record to record student progress through achievement/progress, data collection, instructional methods, and curriculum?	Yes	
69.	Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) – Risk and Needs Assessment: Is there an approved Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) Risk and Needs Assessment Operational Procedure (OP)?	N/A	
70.	Are all Recidivism and Reduction Strategy (RRS) Assessment positions filled (part of Correctional Offender Management Profiling for Alternative Sanctions)?	N/A	
71.	Are all other designated assessment positions filled? Is there a designated supervisor over the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) Risk and Needs Assessment Program?	N/A	
72.	Do all designated assessment staff have an individual Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) log-on code? Is the security of the code maintained?	N/A	

COMPLIANCE REVIEW FINDINGS

EDUCATION ADMINISTRATION SECTION

73.	Does the assessment staff maintain appropriate security of laptop and/or stand-alone computers utilized for the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) Risk and Needs Assessment Program?	N/A	
74.	Recidivism Reduction Strategies: <ul style="list-style-type: none"> Is there a Recidivism Reduction Strategies expenditure tracking log maintained by the Principal for the purposes of identifying equipment or materials purchase or provided to the institution for assessments as identified in the Recidivism Reduction Strategies Budget Change Proposal (BCP)? Are inventories of Recidivism Reduction Strategies equipment maintained and current? 	N/A	
75.	Recidivism Reduction Strategies Enhanced Outpatient Program: Are all Enhanced Outpatient Program staff hired and in place?	Yes	
76.	Does the Principal (via the Academic Vice-Principal) supervise the Enhanced Outpatient Program Teacher(s) in accordance with California Department of Corrections and Rehabilitation policy?	Yes	
77.	Have the Enhanced Outpatient Program Teacher(s) received training in performing the required duties as described in the Enhanced Outpatient Program Duty Statement?	Yes	Only the initial Enhanced Outpatient Program training has been received; there has been no follow-up training.
78.	Multi-Agency Re-entry Program (SB 618): Has the institution interviewed and hired for the Prison Case Manager positions as members of the Multi-Disciplinary team?	N/A	
79.	Are the four vocational programs referenced in Senate Bill 618 in place at the institution?	N/A	
80.	Has a documentation process been established to monitor inmate contact time as well as inmate growth and completion of program?	N/A	

COMPLIANCE REVIEW FINDINGS

EDUCATION ADMINISTRATION SECTION

81.	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Vocational-Recidivism Reduction Strategies</div> Are all original vocational Recidivism Reduction Strategies (RRS) teacher positions filled and are all classrooms operating?	N/A	
82.	Are all Recidivism Reduction Strategies vocational classes at full enrollment?	N/A	

COMPLIANCE REVIEW FINDINGS

ACADEMIC EDUCATION SECTION

NO.	INSTITUTION: SVSP DATE: March 23-27, 2009 COMPLIANCE TEAM: Valarie Anderson, Bev Penland	Yes/No or N/A	COMMENTS
1.	Student Job Descriptions: Are all of the inmate students' job descriptions accurate, complete, signed, and available?	Yes	
2.	Student Records/Achievements: Do all the of classroom files reflect Test of Adult Basic Education scores that are being administered according to the quarterly testing matrix and that are not over six months old for students under the California Department of Corrections and Rehabilitation Literacy Plan criteria and Office of Correctional Education Test of Adult Basic Education testing requirements?	No	One teacher did not have the current Test of Adult Basic Education scores in the student files.
3.	Are all of the California Department of Corrections and Rehabilitation Form 128E chronological reports, classroom records and timekeeping documents, current, accurate, and secure?	No	One teacher did not have California Department of Corrections and Rehabilitation Form 128E's in the student files and some files were missing a current Form 128E.
4.	Is 100% of the California Department of Corrections and Rehabilitation curriculum recording system in-use, accurate, and current?	No	Several teachers were not using the approved California Department of Corrections and Rehabilitation approved curriculum. The teachers indicated they were not using the curriculum due to the lack of Teacher's editions, textbooks and/or materials.
5.	Do 100% of the Permanent Class Record Cards (California Department of Corrections and Rehabilitation Form 151) reflect the minimum student contact time of 6.5 hours x-time or 8.5 hours of x-time for 4-10 programs for traditional classes?	No	Some teachers were not recording "S" time that occurred due to custody issues, in particular on C and E yard. Students are to receive 6.5 hours of instructional time. When this does not occur it must be accurately recorded as "S" time.

COMPLIANCE REVIEW FINDINGS

ACADEMIC EDUCATION SECTION

6.	Are Certificates of Completion or Achievement being issued to those students earning them?	No	There is a general lack of understanding among the teachers as to when it is appropriate to issue certificates of completion or certificates of achievement.
7.	<div style="border: 1px solid black; padding: 2px;">Instructional Expectations:</div> Do all of the academic education classes have lesson plans that agree with the California Department of Corrections and Rehabilitation approved curriculum?	No	Several teachers do not have lesson plans that reflect the new California Department of Corrections and Rehabilitation core curriculum. Some teachers are lacking all or some core materials needed to use the core curriculum.
8.	Are the required and/or elective credits in the academic subject being taught issued to inmates and recorded on the transcript?	No	Most teachers were unaware that they were to be giving and recording credits for student coursework. Most teachers were very positive about giving their students credits for completed work.
9.	Do all of the academic education classes have course outlines that agree with the California Department of Corrections and Rehabilitation approved curriculum?	No	Not all of the teachers had a course outline for their class. The current course outlines are available in the approved California Department of Corrections and Rehabilitation, Office of Correctional Education core curriculums.
10.	<div style="border: 1px solid black; padding: 2px;">Bridging Education Program Instructional Expectations:</div> Is each teacher utilizing the established curriculum for Bridging Education Program and does each teacher have a copy of the curriculum?	Yes	
11.	Are the Test of Adult Basic Education and Comprehensive Adult Student Assessment System being Administered to Bridging Students? Are other assessments being used to assess the inmate job skills?	Yes	

COMPLIANCE REVIEW FINDINGS

ACADEMIC EDUCATION SECTION

12.	Does Bridging Education Program teacher utilize the proper Permanent Class Record Card (California Department of Corrections and Rehabilitation Form 151) and is it up to date and accurate?	Yes	
13.	Has the Bridging Education Program teacher developed a written weekly schedule to include student programs and contacts?	Yes	
14.	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> Test of Adult Basic Education Testing Coordinator: </div> Are gain/loss reports (School Progress Assessment Report Card) and the Test of Adult Basic Education sub-test reports reviewed/shared with the education supervisors?	Yes	The Principal downloads the School Performance Assessment Report Card and shares it with his Academic Vice-Principal.
15.	Do the Test of Adult Basic Education Coordinator and at least two others have access to a California Department of Corrections and Rehabilitation email address and user account?	Yes	
16.	Does the Test of Adult Basic Education Coordinator have the most recent Test of Adult Basic Education database (within a week)?	Yes	
17.	Are Test of Adult Basic Education testing protocols signed by current staff?	Yes	The audit team was unable to verify due to the unavailability of the Testing Coordinator; however, they were signed last year and there have been no staff changes.
18.	Are the Test of Adult Basic Education testing materials secured in a locked cabinet (mandatory standards)?	Yes	
19.	Is a master inventory of Test of Adult Basic Education test booklets and answer sheets maintained by the testing coordinator?	No	The Office Technician indicated that there was no computerized master inventory for test books or answer sheets. They are using a manual system. It is recommended that a computerized inventory of test books and answer sheets be developed.

COMPLIANCE REVIEW FINDINGS

ACADEMIC EDUCATION SECTION

20.	Is the Test of Adult Basic Education binder current and up-to-date with memos, purchase orders and instructions?	No	Only a partial Test of Basic Adult Education binder was available for review.
21.	Is the Test of Adult Basic Education locator test being used when needed to determine which level-appropriate Test of Adult Basic Education test to administer?	Yes	
22.	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Teacher-Test of Adult Basic Education Testing</div> Are teachers testing within ten days of the student's initial entry into the classroom, as well as quarterly testing based on the Test of Adult Basic Education matrix?	Yes	The Testing Coordinator reviews the Daily Movement Sheet and notifies the teacher of the students who need to be tested and sends the appropriate testing materials.
23.	Are the Test of Adult Basic Education tests administered according to the testing matrix?	Yes	The Testing Coordinator reviews the Daily Movement Sheet and notifies the teacher of the students who need to be tested and sends the appropriate testing materials.
24.	Is the Test of Adult Basic Education locator being used, when needed, to determine which level-appropriate Test of Adult Basic Education test to administer?	No	A few of the teachers were unfamiliar with the Test of Adult Basic Education locator test which is used to identify the appropriate testing level.
25.	Are teachers using Test of Adult Basic Education pre-post subtest diagnostic reports for student needs assessment and are they reviewing test scores with inmates?	No	A few teachers were not reviewing the Test of Adult Basic Education subtest report with their students. It is recommended that when they review the sub test with the student that both the teacher and student initial the sub test report.
26.	Are teachers using the Test of Adult Basic Education pre-post diagnostic subtest test results as a diagnostic tool for individualized instruction and troubleshooting Test of Adult Basic Education score losses in their classes?	No	A few teachers were not utilizing the Test of Adult Basic Education subtest as a tool to diagnose and develop individualized instruction as well as troubleshoot score losses.
27.	Are current Test of Adult Basic Education subtests placed in student's classroom file?	No	One teacher did not have subtests in the student's classroom file.

COMPLIANCE REVIEW FINDINGS

ACADEMIC EDUCATION SECTION

28.	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Alternative Education Delivery Models:</div> <p>Are Alternative Education Delivery Model Open Line schedules with dates and times posted in public areas for inmate access to educational services during off work hours?</p>	No	Only one teacher posted the schedules with dates and times in the housing units. It is recommended that Open-Line schedules be posted in all public areas in all yards.
29.	Is the Television Specialist and Distance Learning Study Teacher developing a Distance Learning Study Channel schedule of courses, with dates and times, posted in public areas for inmates to review and complete their assignments?	Yes	
30.	Does the Television Specialist plan, supplement and implement electronic educational coursework with the Distance Learning teacher, utilizing Transforming Lives Network and airing educational programs, such as Kentucky Educational TV General Education Development series on a weekly basis?	Yes	The Television Specialist is very conscientious and is doing an excellent job in coordinating programs used by the Distance Learning Teachers and in broadcasting the schedules for the Distance Learning Teachers.
31.	Are teachers awarding inmates certificates for achievement/completion in Alternative Education Delivery Model programs?	No	The Distance Learning teachers indicated they issue certificates of Completion for Transforming Lives Network classes but do not issue certificates of achievement when an inmate does not complete a class/program.
32.	Do all of the Education/Independent Study (half-time) classes have current course outlines and lesson plans that agree with the Office of Correctional Education approved curriculum?	N/A	There is no teacher assigned to provide a halftime Education/Independent Study Program.
33.	Do all of the Education/Work Program (half-time) classes have current course outlines and lesson plans that agree with the Office of Correctional Education approved curriculum?	N/A	
34.	Do all of the Distance Learning classes have current course outlines and lesson plans that agree with the Office of Correctional Education approved curriculum?	No	The Distance Learning teachers do not use the Office of Correctional Education curriculum for the General Education Development program.

COMPLIANCE REVIEW FINDINGS

ACADEMIC EDUCATION SECTION

35.	Do all of the Independent Study classes have current course outlines and lesson plans that agree with the Office of Correctional Education approved curriculum?	N/A	There is no teacher assigned to provide an Independent Study Program.
36.	<ul style="list-style-type: none"> Are teachers testing inmates within ten days of being enrolled or assigned to an Alternative Education Delivery Model program? Are the inmates' Test of Adult Basic Education subtest results analyzed by the teacher for appropriate Alternative Education Delivery Model lesson/class placement? 	Yes	
37.	<ul style="list-style-type: none"> Is the Alternative Education Delivery Model current enrolled/assigned inmate roster consistently kept updated? Is it given to the Vice-Principal and Principal on at least a weekly basis? 	Yes	It is recommended that the Distance Learning Teachers identify what program in which the student is enrolled and document the time frame of the program for which the student is signed up.
38.	Are students' gains being recorded and tracked?	No	The Distance Learning Teachers were not administering the Comprehensive Adult Student Assessment System test but are in the process of completing Test of Adult Basic Education assessments so that they can record and track student gains.
39.	<div style="border: 1px solid black; padding: 2px;">Gender Responsive Strategies:</div> Do all of the academic life skills classes have current course outlines that agree with the Office of Correctional Education/Gender Responsive Strategies (GRS) approved curriculum, i.e.? Women's Conflict and Anger Lifelong Management (W-CALM) (Feb. 2007), Women's Health (July 2007), Women's Parenting (January 2008) Women's Victims (July 2008)?	N/A	
40.	Do all of the academic life skills classes have current lesson plans that agree with the Office of Correctional Education/Gender Responsive Strategies approved curriculum?	N/A	

COMPLIANCE REVIEW FINDINGS

ACADEMIC EDUCATION SECTION

41.	ESTELLE and Behavior Modification Unit programs: Is there an effective system in place to track monthly attendance, reporting, and evaluation of assigned inmates, their performance; and participation that allows a clear over-all rating of progress of each student in the Behavior Modification Unit/ESTELLE program?	Yes	The Behavior Modification Unit teacher is very innovative in his creation of materials and presentation of the curriculum.
42.	Is there a tracking and evaluation process to determine inmate progress on the Behavior Modification Unit curriculum competencies including Conflict and Anger Lifelong Management and is documentation provided to the Unit Classification Committee every 30 days detailing how the inmates assigned to the Behavior Modification Unit program are performing?	Yes	The Behavioral Modification Unit teacher has a comprehensive tracking and evaluation method for each inmate and the reports are sent to the counselor for incorporation into unit classification action.
43.	<ul style="list-style-type: none"> Do ESTELLE students have access to computers as required in the framework of the program for training? Does the teacher have Test of Adult Basic Education scores on all of the students in the program? 	N/A	
44.	Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) – Risk and Needs Assessment: Are assessment teachers conducting assessments on eligible inmates as defined by the current Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) Operations Manual?	N/A	
45.	Does assessment staff utilize the current standardized Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) Tracking Form?	N/A	
46.	Are the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) questionnaires shredded daily in accordance with the confidential document procedure?	N/A	
47.	Are assessment interviews conducted in a semi-private environment?	N/A	

COMPLIANCE REVIEW FINDINGS

ACADEMIC EDUCATION SECTION

48.	Is appropriate assistance provided to inmates during participation in the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) assessment interview in accordance with departmental policies regarding Effective Communication, the Clark Remedial Plan, and Armstrong mandates?	N/A	
49.	<div style="border: 1px solid black; padding: 2px;">Security and Order:</div> Are personal alarms issued to teachers and do they wear whistles and the personal alarms on their person?	Yes	
50.	Are exits clearly marked and emergency evacuation plans posted in accordance with the institution's emergency evacuation plan?	No	One of the academic classrooms did not have an exit sign above the exit door.
51.	<div style="border: 1px solid black; padding: 2px;">Pre-Release</div> Does the Pre-Release curriculum contain Life Skills; Communication Skills; Attitude and Self-Esteem; Money Management; Community Resources; Job Application Training; Department of Motor Vehicles Practice Test; and Parole Services?	No	The Pre-Release teacher does not use the California Department of Corrections and Rehabilitation/Office of Correctional Education approved Pre-Release curriculum. It is recommended that the Pre-Release teacher contact Office of Correctional Education to obtain the current and complete Pre-Release curriculum and implement the appropriate curriculum.
52.	Do all of the Pre Release lesson plans contain the objective, handouts, and methods for student evaluation?	No	The Pre-Release teacher has a variety of lesson plans for teacher-created materials, but does not meet all the requirements of the Office of Correctional Education approved Pre-Release curriculum.
53.	Is the Pre-Release teacher receiving appropriate institutional and Parole and Community Services Division (P&CSD) staff support?	Yes	The Pre-Release teacher indicated a positive relationship with Paroles and the Community Services Division.
54.	Is the Pre-Release curriculum recording system in-use, accurate, and current and are copies of monthly records maintained?	No	The Pre-Release teacher does not use the approved Competency Recording System.

COMPLIANCE REVIEW FINDINGS

ACADEMIC EDUCATION SECTION

55.	Does the Pre-Release instructor use a variety of teaching methodologies and allow for differentiation of instruction to meet individual learners' needs?	Yes	The Pre-Release teacher uses hand-outs, guest speakers, discussions and videos of the material that is currently available to him.
56.	Is the Pre-Release class a full-time program (four days/8.5 hours or five days/6.5 hours)? If no, is there an exemption on file?	No	Due to custody issues students arrive at approximately 0900 hours until 1100 hours and again from 1300 hours until 1500 hours, for a total of four hours student contact time out of the required 6.5 hours. There was no exemption on file.
57.	Are all of California Department of Corrections and Rehabilitation Form 128Es (that are used to record all education participation including course completions) and classroom records current and accurate and reflect a full-quota student enrollment?	Yes	
58.	Does the Pre-release Teacher use the Framework for Breaking Barriers?	No	The Pre-Release teacher does not use the complete Breaking Barriers framework. The complete framework is part of the Pre-release program requirements.
59.	Does the Pre-release teacher provide the Office of Correctional Education with monthly Pre-release Program reports on time and maintain copies of those monthly Pre-release program reports?	Yes	
60.	<div style="border: 1px solid black; padding: 2px;">Recidivism Reduction Strategies Enhanced Outpatient Program:</div> Is the Enhanced Outpatient Program Teacher a participating member of the Interdisciplinary Treatment Team (IDTT) meetings?	Yes	
61.	Is there a current roster of Enhanced Outpatient Program inmates determined eligible by Interdisciplinary Treatment Team (IDTT) and the Enhanced Outpatient Program teacher to receive education services?	Yes	

COMPLIANCE REVIEW FINDINGS

ACADEMIC EDUCATION SECTION

62.	Is the required student assessment for development of the Individualized Treatment and Education Plan completed in accordance with the Enhanced Outpatient Program assessment guidelines timelines?	Yes	
63.	Is there documentation of the education services provided to Enhanced Outpatient Program inmates?	Yes	
64.	<div style="border: 1px solid black; padding: 2px;">Transforming Lives Network Program:</div> Are alternate modalities available for use within the housing units for the Distance Learning program? For example, video, Transforming Lives Network, institutional television, visual worksheets, etc.?	Yes	
65.	Is the television specialist recording Transforming Lives Network broadcasting and archiving copies for re-broadcast and individual teacher access?	Yes	The Television Specialist is very conscientious in recording, broadcasting and archiving the programs received via the Transforming Lives Network.
66.	Is the television specialist setting up a broadcast schedule for the school and distributing that schedule to the school faculty?	Yes	The Television Specialist has a channel dedicated to broadcasting scheduling and special announcements.
67.	Are school faculty members given the opportunity to provide input into the broadcast schedule?	Yes	The Television Specialist indicated that very few of the teachers provide any requests or input into the scheduling. It is a great opportunity to advertise programs and services available.
68.	<div style="border: 1px solid black; padding: 2px;">Recreation/Physical Education (P.E.):</div> Is there a current and comprehensive activity schedule for the Recreation and/or Physical Education Program?	No	The Physical Education Teacher does not have a current or comprehensive activity schedule for any recreation or physical education program. The teacher indicated that physical education activities are handled by the recreation officer and the officer's clerks on each yard. The physical education teacher said he does visit and works with the recreation officer.

COMPLIANCE REVIEW FINDINGS

ACADEMIC EDUCATION SECTION

69.	Does the Physical Education teacher follow the California Department of Corrections and Rehabilitation approved selection process for movies?	Yes	
70.	Does the Physical Education teacher have sign-up sheets, team rosters, or other evidence of inmate participation in sports and health education activities?	No	The Physical Education teacher does not keep or have any sign-up rosters. The recreational officer on each yard and his clerks determine what activities are offered, the number of participants, sign up sheets and check out equipment. The recreation officer turns in the number of participates for the activities to the Physical Education teacher who orders and delivers the prizes.
71.	Is California Department of Corrections and Rehabilitation-approved State frameworks curriculum being used and are course outlines present?	No	The Physical Education teacher does not provide physical education classes or training programs. He does not follow the Healthful Living California Department of Corrections and Rehabilitation curriculum.
72.	Are health education, physical fitness training and recreational activities being provided to the Special Needs populations?	No	The Physical Education teacher does not provide recreation activities for the Special Needs population. However, board games, pinochle cards and the heavy bag are available upon request. It is recommended that activities for the Special Needs population are organized to include heath education classes, physical fitness training and specific recreation activities that address the Special Needs population.
73.	Does the Physical Education teacher have a system in place to ensure accountability for state property including sports equipment, clothing and supplies?	Yes	
74.	Are there sufficient supplies, such as board games and sports equipment, to ensure a viable Physical Education program?	Yes	

COMPLIANCE REVIEW FINDINGS

ACADEMIC EDUCATION SECTION

75.	Are time-keeping records (California Department of Corrections and Rehabilitation Form 1697) on inmates assigned to work for the Physical Education teacher being kept?	N/A	The Physical Education teacher does not have any clerks assigned to him.
76.	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Recidivism Reduction Strategies (Physical Education):</div> Are health education, physical fitness training and recreational activities being provided to the geriatric population (age 55 and over)?	No	The Physical Education teacher does not provide organized health education, physical fitness training classes, or recreational activities geared to the geriatric population. However, the recreational officer on the yards tracks the inmates, 55 or older, who sign up for board games, pinochle, or the heavy bags. The teacher does have some handouts available for the geriatric population on how to approach physical activities.
77.	Have the funds for the Recidivism Reduction Strategies funds for the geriatric population been expended for the geriatric population?	Yes	

COMPLIANCE REVIEW FINDINGS

VOCATIONAL EDUCATION SECTION

NO.	INSTITUTION: SVSP DATE: March 23-27, 2009 COMPLIANCE TEAM: Bev Penland, Valarie Anderson	Yes/No or N/A	COMMENTS
1.	Student Job Description: Are all of the inmate students' job descriptions accurate, complete, signed, and available?	Yes	
2.	Student Records/Achievements: Do all of classroom files reflect Test of Adult Basic Education scores that are not over six months old for students under the California Department of Corrections and Rehabilitation Literacy Plan and Office of Correctional Education Test of Adult Basic Education testing criteria?	Yes	
3.	Are all of the California Department of Corrections and Rehabilitation Form 128E chronological reports, classroom records and timekeeping documents, current, accurate, and secure?	Yes	
4.	Is the curriculum recording system in-use, accurate, and current?	Yes	
5.	Does the Permanent Class Record Card (California Department of Corrections and Rehabilitation Form 151) reflect the minimum student contact time of 6.5 hours X-time or 8.5 hours of X-time (on full days) for 4-10 programs?	No	On "E" yard the students arrive at approximately 0900 hours until 1100 hours and again from 1300 hours until 1500 hours, for a total of four hours student contact time out of the required 6.5 hours.
6.	Are elective credits in the designated vocational subject being issued to students and recorded on their transcript in the education file?	No	The teachers were unaware they could issue elective credits. They felt it was a great idea.
7.	Are Trade/Industry Certifications being issued and recorded to those students earning them?	No	Students do not have the opportunity to learn the hands-on portion of the curriculum. Currently the teachers are only able to provide the written portions related to their respective trades. Both teachers are working towards issuing industry certifications when they are able to provide hands-on training and experience.

COMPLIANCE REVIEW FINDINGS

VOCATIONAL EDUCATION SECTION

8.	Are Certificates of Completion or Achievement as appropriate being issued and recorded for those students earning them?	Yes	
9.	<div style="border: 1px solid black; padding: 2px;">Instructional Expectations:</div> Do all of the vocational education classes have course outlines that agree with the California Department of Corrections and Rehabilitation curriculum?	Yes	
10.	Do all of the vocational education classes have lesson plans that agree with the California Department of Corrections and Rehabilitation curriculum?	Yes	
11.	Have the Literacy Implementation Plan sections (applicable to Vocational Education) been incorporated through a core set of literacy materials into the instructional plan and do lesson plans verify this?	No	The teachers are not documenting that a core set of literacy materials is incorporated for inmates reading below the 9.0 grade point level.
12.	Are Vocational Instructors conducting and documenting at least four hours of approved related formal classroom training each week for all inmate students?	No	The teachers were not documenting the formal related classroom training. They both are providing the training but need to document a minimum of four hours each week.
13.	Are all of the vocational programs that have a nationally recognized certification programs participating in that program?	No	The teachers are unable to issue trade certifications due to the lack of hand-on training and experience for their students.
14.	<div style="border: 1px solid black; padding: 2px;">Recidivism Reduction Strategies:</div> Are the Recidivism Reduction Strategies programs issuing trade certifications and/or National Center for Construction Education and Research (NCCER) certifications?	N/A	
15.	<div style="border: 1px solid black; padding: 2px;">National Center for Construction Education and Research:</div> Are all the National Center for Construction Education and Research (NCCER) accreditation guidelines for Standardized Training being used?	N/A	
16.	Are the Building Construction Trades using the Contren Learning Series text books as the primary classroom text book?	N/A	

COMPLIANCE REVIEW FINDINGS

VOCATIONAL EDUCATION SECTION

17.	Do all of the National Center for Construction Education and Research instructors have the resources needed to effectively teach the related trades?	N/A	
18.	Are all of the building trade instructors currently National Center for Construction Education and Research Certified Instructors and have attended the Instructor Certification Training Program (ICTP)?	N/A	
19.	Are all of the craft instructors maintaining and conducting record keeping as outlined in the National Center for Construction Education and Research Accreditation Guidelines?	N/A	
20.	Are all of the instructors maintaining the confidentiality and maintain restricted access to inmate social security numbers used on the National Center for Construction Education and Research Form 200's?	N/A	
21.	Are all of the written National Center for Construction Education and Research tests, National Center for Construction Education and Research test CD-ROMs and National Center for Construction Education and Research answer keys maintained in a secure locked location with an inventory of the tests on hand?	N/A	
22.	Are all of the students evaluated based on a 70% minimum passing score on National Center for Construction Education and Research written examinations?	N/A	
23.	Are those students that fail a National Center for Construction Education and Research written test or practical exam required to wait a minimum of 48 hours prior to being retested?	N/A	
24.	Are 90% or more of the students completing the first six National Center for Construction Education and Research CORE Modules prior to starting the Level 1 for the trade?	N/A	
25.	Are all National Center for Construction Education and Research performance evaluations conducted for each module and a record of the Performance Profile Sheet maintained?	N/A	

COMPLIANCE REVIEW FINDINGS

VOCATIONAL EDUCATION SECTION

26.	Upon successful completion of the National Center for Construction Education and Research written and performance evaluation, is the instructor documenting and submitting the Form 200 to the Unit Training Representative (UTR) for signature and forwarding to Office of Correctional Education within 60 days?	N/A	
27.	Are all of the instructors accepting National Center for Construction Education and Research Modules and Completion Certifications issued prior to students being assigned to the vocational class?	N/A	
28.	<div style="border: 1px solid black; padding: 2px;">Test of Adult Basic Education Testing</div> <p>Are teachers testing within ten days of the student's initial entry into the classroom, as well as quarterly testing based on the Test of Adult Basic Education matrix?</p>	Yes	
29.	Are the Test of Adult Basic Education tests administered according to the testing matrix?	Yes	
30.	Is the Test of Adult Basic Education locator being used, when needed, to determine which level appropriate Test of Adult Basic Education test to administer?	No	The teachers were unaware of the Test of Adult Basic Education locator test and its use to identify the appropriate test level.
31.	Are teachers using Test of Adult Basic Education pre-post subtest diagnostic reports for student needs assessment and are they reviewing test scores with inmates?	Yes	It was recommended that the teacher and the inmate initial the Test of Adult Basic Education subtest when reviewed.
32.	Are teachers using the Test of Adult Basic Education test results as a diagnostic tool for individualized instruction and trouble shooting Test of Adult Basic Education score losses in their classes?	Yes	
33.	Are current Test of Adult Basic Education subtests placed in student's file?	Yes	

COMPLIANCE REVIEW FINDINGS

VOCATIONAL EDUCATION SECTION

34.	Gender Responsive Strategies: Do all or more of the Gender Responsive Strategies (GRS) vocational classes have current course outlines that agree with the Office of Correctional Education/Gender Responsive Strategies approved curriculum, i.e. Cosmetology, Mill & Cabinet, Cable Technician, etc.?	N/A	
35.	Do all or more of the vocational classes have current lesson plans that agree with the Office of Correctional Education/Gender Responsive Strategies approved curriculum?	N/A	
36.	Security and Order: Are personal alarms issued by the institution to instructors and do they wear a whistle and the personal alarms on their person?	Yes	
37.	Are exits clearly marked and emergency evacuation plans posted in accordance with the institution's emergency evacuation plan?	Yes	
38.	Is there an Inmate Safety Committee that conducts and records weekly safety inspections?	No	One of the teachers did not have an inmate safety committee.
39.	Is at least one hour per month of safety meetings being held and documented?	Yes	
40.	Trade Advisory Committee: Does the instructor have a documented Trade Advisory Committee that meets at least quarterly?	No	The teachers do not have committee members at this time. It is recommended that the teachers solicit committee members and document phone contacts in the interim.
41.	Job Market Analysis: Is a current Employment Development Department Job Market Analysis and/or institutional Job Market Survey on file?	Yes	
42.	Apprenticeship: Is there an active Apprenticeship Training Program?	N/A	

COMPLIANCE REVIEW FINDINGS

VOCATIONAL EDUCATION SECTION

43.	If there is an active Apprenticeship Training Program, do inmates meet apprenticeship requirements and receive pay?	N/A	
44.	Does the instructor have a documented active Joint Apprenticeship Committee that meets at least quarterly within the institution?	N/A	
45.	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> Employee and Community Services Programs. </div> If vocational education programs are participating in Employee Services Programs, are they meeting Department Operation Manual and Penal Code requirements?	N/A	
46.	If vocational education programs are participating in community service projects, are they meeting Department Operation Manual requirements?	N/A	

COMPLIANCE REVIEW FINDINGS

LIBRARY/LAW LIBRARY SECTION

NO.	INSTITUTION: SVSP DATE: March 23-27, 2009 COMPLIANCE TEAM: Timothy Crawford	Yes/N o or N/A	COMMENTS
1.	Library Staffing: <ul style="list-style-type: none"> Does the Principal, Academic Vice-Principal, or Vocational Vice-Principal supervise the library staff? Does the Senior Librarian implement/plan the library program? 	No	The position of Senior Librarian and Librarian is vacant. The institution has hired a retired annuitant for the position of Senior Librarian but every effort should be made to fill both positions permanently.
2.	Department Operations Manual and Department Operations Manual Supplement: <ul style="list-style-type: none"> Is the current Department Operations Manual, Section 53060 available in the main libraries and satellite libraries? Is there a Department Operations Manual library supplement that is brief, and contains no new policies and/or regulations unless they are court-ordered and does the Department Operations Manual supplement reflect the current, actual local library program? 	No	Two of the satellite libraries do not have copies of Department Operation Manual Section 53060.
3.	General Population (GP) Access Hours: <ul style="list-style-type: none"> Are library hours of operation posted where General Population inmates can see them, and do General Population inmates have access to the library during off work hours? Do General Population inmates have regular access to non-legal library services? 	Yes	
4.	General Population/Law Library Documentation: <ul style="list-style-type: none"> Is there documentation of General Population inmates' access to law library for a minimum of two hours within seven calendar days of their request for legal use? Is there a list showing inmates who request legal access, and those who received access? 	Yes	

COMPLIANCE REVIEW FINDINGS

LIBRARY/LAW LIBRARY SECTION

5.	Restricted Housing Status Inmate Access: <ul style="list-style-type: none"> • If there are Restricted Housing inmates in the institution, is there a Department Operations Manual supplement relating to their use of the library? • Is there a method for Restricted Housing inmates to request physical access to the law library which includes a list showing Restricted Housing inmates requests for access and inmates who actually used the library and is access granted for a minimum of one two-hour block of time if needed by the inmate, within seven calendar days of a request? 	Yes	
6.	Restricted Housing Status Non-Legal Library Services: <p>Do Restricted Housing inmates receive general library services?</p>	Yes	
7.	Library Expenditures: <ul style="list-style-type: none"> • Are library funds spent for magazines/newspaper subscriptions, fiction and nonfiction books, supplies, processing, repair, and interlibrary loan fees? • If other items are purchased, are they for library use? 	No	There have been no purchase freeze exemptions submitted by the principal to the Office of Correctional Education and therefore no funds have been expended on library materials.
8.	Inmate Welfare Funds (IWF) Expenditure: <p>Are Inmate Welfare Funds used to purchase newspapers, magazines, and paperback fiction books, etc.?</p>	No	There have been no purchase freeze exemptions submitted by the principal to the Office of Correctional Education and therefore no funds have been expended on library materials.
9.	Law Library Expenditure: <ul style="list-style-type: none"> • Does the Senior Librarian understand the process associated with receiving the mandated law discs/books through the warehouse or mail room? • Are the Stock Received Reports completed and submitted to the Regional Accounting Office? 	Yes	

COMPLIANCE REVIEW FINDINGS

LIBRARY/LAW LIBRARY SECTION

10.	<ul style="list-style-type: none"> Are all received mandated law books and discs made available to inmates in a timely manner? Are the discs timely loaded on the Law Library Electronic Data System computer? Are the law books shelved promptly? 	Yes	
11.	<ul style="list-style-type: none"> Are law library discs checked in by the Associate Information Specialist Analyst? If not, who checks them? 	No	The Senior Librarian (Retired Annuitant) checks in the discs.
12.	Does the librarian know what steps to take if a mandated law library book or disc is not received when it should be?	Yes	
13.	<div style="border: 1px solid black; padding: 2px;">Library Book Stock - Quality, Part I:</div> <ul style="list-style-type: none"> Within the entire institution's libraries, is there at least one encyclopedia with a copyright date within the last five years and one unabridged dictionary (no older than five years?) Does the library program have at least three directories relevant to the questions asked by the population served? 	Yes	
14.	<div style="border: 1px solid black; padding: 2px;">Library Book Stock - Quality, Part II:</div> <p>Does each library in the institution have a current world almanac, an atlas that is no more than three years old, an English language dictionary that is no more than five years old, and a Spanish and English dictionary that is no more than ten years old?</p>	No	There are no recent unabridged dictionaries. There are recent encyclopedias.
15.	<div style="border: 1px solid black; padding: 2px;">Library Book Stock - Quality, Part III:</div> <ul style="list-style-type: none"> Does each library regularly inspect the physical condition of their books? Does the library program have a book repair procedure? 	Yes	

COMPLIANCE REVIEW FINDINGS

LIBRARY/LAW LIBRARY SECTION

16.	Library Book Stock - Quality, Educational Support, Literacy, Multi-Ethnicity: <p>Does each library in the institution have at least one textbook and two supplemental titles which have copyright dates not more than ten years old representing each vocational and academic program in the institution, a minimum of 100 titles representing high interest/low level reading books, a minimum of 250 multi-ethnic titles, including but not limited to Black American, Asian-American, Hispanic-American (including Spanish language) and Native American materials?</p>	No	All libraries had academic program materials but no library had vocational texts. Most libraries have some high/low material and some multi-ethnic material. However only one library had the prescribed quantity.
17.	Library Book Stock - User Orientation: <ul style="list-style-type: none"> Are book collections designed to meet the needs and interests of the inmate population served? Does the librarian regularly meet with an inmate library advisory group, and does the library maintain a suggestion box? 	No	The librarian has not been meeting with the Men's Advisory Council although the principal sometimes does.
18.	Library Book Stock - Quantity: (Department Operations Manual Book Aug) <ul style="list-style-type: none"> Does the current library collection contain the number of fiction and nonfiction books mandated by California Department of Corrections and Rehabilitation? Does this include any new books purchased through Recidivism Reduction Strategies (RRS) funding? 	No	The books purchased through Recidivism Reduction Strategies funding were redirected to the literacy program and are not used or housed in the library.
19.	Have all books purchased through the Recidivism Reduction Strategies funds been received, shelved, and inmate use tracked?	No	The books purchased through Recidivism Reduction Strategies funding were redirected to the literacy program and are not used or housed in the library.
20.	Book Access: <ul style="list-style-type: none"> Is there a card catalog or equivalent system that inmates can use to find a book by title, author, or subject matter? Can inmates request books that are not in the library collection? 	Yes	

COMPLIANCE REVIEW FINDINGS

LIBRARY/LAW LIBRARY SECTION

21.	Circulation: Is there an adequate library book checkout system in place and an adequate overdue system in use?	Yes	
22.	Mandated Law Library/California Code of Regulations, Department Operations Manual <ul style="list-style-type: none"> Are the Gilmore v. Lynch mandated law books up to date? Does the library collection have the most current California Code of Regulations/Title 15 in English and Spanish? Is there a method of displaying proposed and actual revisions of California Code of Regulations/Title 15 for the inmate population, and does each library have a complete up-to-date Department Operations Manual? Are all the Law Library Electronic Data System computers up-to-date and operating in each library? 	No	There was no Spanish California Code of Regulations available. The Law Library Electronic Data System discs are not up-to-date.
23.	Law Library - American Disability Act (ADA): Are American Disability Act mandatory postings present in the library?	Yes	
24.	Circulating Law Library: Is a procedure for accessing the Circulating Law Library in place?	No	The procedures are not in place.
25.	Court Deadlines: Are court deadlines verified, and is there documentation that inmates with established court deadlines have priority access to the library?	Yes	
26.	Law Library Forms and Supplies: Do inmates have access to court required forms; are required legal supplies adequate and available; are procedures to distribute forms and supplies appropriate; and do all law libraries follow the same law library procedures?	Yes	

COMPLIANCE REVIEW FINDINGS

LIBRARY/LAW LIBRARY SECTION

27.	<div style="border: 1px solid black; padding: 2px;">General Library Forms and Supplies:</div> <p>Are adequate supplies available to process library materials, and are there standardized forms for library procedures that are used by all the libraries in the institution?</p>	Yes	
28.	<div style="border: 1px solid black; padding: 2px;">Inmate Clerk Training:</div> <ul style="list-style-type: none"> Do inmate library/law library clerks receive documented training? Are training records maintained for each inmate employee? Do inmate clerks receive training on a regular basis in law library and general library processes? 	Yes	
29.	<div style="border: 1px solid black; padding: 2px;">Security and Order:</div> <ul style="list-style-type: none"> Are personal alarms issued by institution to library staff; does library staff wear a whistle and the issued personal alarms? Are exits clearly marked and evacuation plans posted in accordance with the institution's emergency evacuation plan? 	Yes	

COMMENTS ON LAW LIBRARY/LIBRARY SECTION:

There is a complete library facility on B-yard vocational area that is only being used for book storage and for one of the Library Technical Assistant's office. The books shelved in this library are seldom, if ever, used and inmates have no access to this yard/facility.

COMPLIANCE REVIEW FINDINGS

FEDERAL GRANT PROGRAMS SECTION

Workforce Investment Act (WIA)

	INSTITUTION: SVSP DATE: March 18, 2009 COMPLIANCE TEAM: Mark Lechich	Yes/No or N/A	COMMENTS
1.	<div style="border: 1px solid black; padding: 2px;">Duty Statement/Job Description/Credentials – Literacy Learning Lab</div> <p>Does the teacher have a current duty statement on file (within one year)?</p>	N/A	SVSP does not have a Phase I & II Literacy Learning Lab.
2.	Does the teacher have a valid credential on file?	N/A	
3.	<div style="border: 1px solid black; padding: 2px;">Security/Order – Literacy Learning Lab</div> <p>Are personal alarms issued by the institution to teaching staff and do they wear a whistle the personal alarms on their person?</p>	N/A	
4.	Are exits clearly marked and emergency evacuation plans posted in accordance with the institution's emergency evacuation plan?	N/A	
5.	<div style="border: 1px solid black; padding: 2px;">Supervisory/Support – Literacy Learning Lab</div> <p>Does the teacher receive support from your supervisor and other educational staff?</p>	N/A	
6.	Does the Vice Principal visit/observe the class? Does the Principal visit/observe the class? Does the teacher maintain a sign-in log?	N/A	
7.	<div style="border: 1px solid black; padding: 2px;">Inmate Enrollment – Literacy Learning Lab</div> <p>Does the teacher maintain a minimum enrollment of 27 students?</p>	N/A	
8.	Do students receive direct/group instruction?	N/A	
9.	Is the Literacy Learning Lab a "self contained" program?	N/A	

COMPLIANCE REVIEW FINDINGS

FEDERAL GRANT PROGRAMS SECTION

Workforce Investment Act (WIA)

10.	Student Records/Testing Achievements – Literacy Learning Lab Does the teacher verify non-General Education Development or non-High School graduation of the student?	N/A	
11.	Does the teacher start a student record file upon the student entering the Literacy Learning Lab program?	N/A	
12.	Does each student have a current Test of Adult Basic Education score? <i>If not, do you refer the student for testing?</i>	N/A	
13.	Does the teacher assess student's basic skill level? <i>Describe</i>	N/A	
14.	Are at least 90% of the California Department of Corrections and Rehabilitation Form 128E chronological reports, classroom records and accountability documents current, accurate and secured?	N/A	
15.	Are the Student Files current (incl. Test of Adult Basic Education scores and any other assessment scores)? <i>Review</i>	N/A	
16.	Is there a current Student Job Description on file?	N/A	
17.	Instructional Expectations – Literacy Learning Lab Does the teacher use the approved California Department of Corrections and Rehabilitation Competency Based Adult Basic Education curriculum?	N/A	
18.	Are differentiated instructional methods used? <i>Describe</i>	N/A	
19.	Do students track their own progress?	N/A	
20.	Do the students receive computer orientation? Is there continuous training? <i>Describe</i>	N/A	

COMPLIANCE REVIEW FINDINGS

FEDERAL GRANT PROGRAMS SECTION

Workforce Investment Act (WIA)

21.	Does the teacher maintain course outlines and lesson plans? Review files	N/A	
22.	Does the teacher use alternative assessment instruments (besides the required Test of Adult Basic Education), to determine a student's instructional plan? Describe	N/A	
23.	Do students spend an average of six months of instructional time enrolled in the program?	N/A	
24.	<div style="border: 1px solid black; padding: 2px;">Other Services – Literacy Learning Lab</div> Does the teacher refer students to other services, i.e. medical? Describe the process	N/A	
25.	Does the teacher provide the students career-related information?	N/A	
26.	Does the teacher have student aides? If so, how many and how are they used?	N/A	
27.	<div style="border: 1px solid black; padding: 2px;">Training – Literacy Learning Lab</div> Has the teacher participated in conferences, workshops and seminars from July 1, 2007–December 31, 2008? If so, provide a list.	N/A	
28.	<div style="border: 1px solid black; padding: 2px;">Expenses – Literacy Learning Lab</div> Are spending levels appropriate for material purchases and training to support program needs?	N/A	
29.	<div style="border: 1px solid black; padding: 2px;">Equipment – Literacy Learning Lab</div> Does the teacher maintain a complete and current inventory of equipment? Is equipment tagged with a Workforce Investment Act property tag? Conduct an inventory	N/A	

COMPLIANCE REVIEW FINDINGS

FEDERAL GRANT PROGRAMS SECTION

Workforce Investment Act (WIA)

30.	Is the teacher's software appropriately maintained by PLATO's technical field staff? Does the teacher have all three educational software programs (PLATO, Reading Horizons, and Reading Plus) presently in service for your students?	N/A	
31.	Does the teacher register all new software purchases with the Associate Information Systems Analyst?	N/A	
32.	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Committees/Meetings – Literacy Learning Lab</div> How often does the teacher meet with the referral teacher for consultation on a student?	N/A	
33.	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">CASAS/TOPSPRO Management Information System (MIS) Coordinator</div> Has the teacher been trained in the area of California Accountability and the TOPSPRO Management Information System to appropriately perform his duties as a Comprehensive Adult Student Assessment System Coordinator? When was the date of the last training? <i>Dates of last trainings</i>	Yes	Mr. Bruce Ogden and Ms. Mavis Perez attended the April, 2008 and the October, 2008 TOPSPRO training conducted by the Workforce Investment Act Administrator. They also attended the Comprehensive Adult Student Assessment System Summer Institute.
34.	Does the teacher have an adequate amount of Comprehensive Adult Student Assessment System (CASAS) testing materials to implement CASAS? <i>Explain the CASAS testing procedures at your institution.</i>	Yes	SVSP has an adequate amount of testing materials. A Sign-Out and Sign-In sheet is used to track test booklets and test records.
35.	Are the Comprehensive Adult Student Assessment System testing materials appropriately inventoried and secured?	Yes	They are locked in a cabinet that is secured in the Testing Office.
36.	Is the teacher using the latest version of the TOPSPRO Management Information System software?	Yes	TOPSPRO version 5.0 Build 44.

COMPLIANCE REVIEW FINDINGS

FEDERAL GRANT PROGRAMS SECTION

Workforce Investment Act (WIA)

37.	Is the hardware equipment (Scantron machine) and software (TOPSpro Management Information System) used to implement Comprehensive Adult Student Assessment System appropriately maintained?	Yes	The computer is in good shape. The scanner works well.
38.	Does the Workforce Investment Act teacher provide each academic teacher with a Student Performance by Competency Report to assistance them in preparing lesson plans?	Yes	Student Performance by Competency Report is provided for the teacher and students. The teacher also receives the Student Gains by Class Report.
39.	Does the teacher know how to generate the California Payment Point Report? Can you generate a Preliminary Payment Point Report?	Yes	Mr. Ogden and Ms. Perez check the reports regularly. This information assists the Coordinator with data cleaning.
40	Are the appropriate students receiving and completing the Core Performance Surveys? <i>Explain the process in place to ensure that students are receiving the surveys.</i>	Yes	If the ex-student is still at the institution the Comprehensive Adult Student Assessment System Coordinator locates the student to have him complete the survey and submit it to the Workforce Investment Act Administrator.
41.	Can the teacher generate an up to date list of students that will be receiving the Core Performance Survey for the past quarter?	Yes	The Second Quarter data showed "No Students Qualified". The Comprehensive Adult Student Assessment System Coordinator will locate ex- students to have them fill-out the survey.
42.	Can the teacher generate a Data Integrity site review?	Yes	The Data Integrity Report is used for assisting Coordinator to locate errors in the data. SVSP has 12.5% conservative estimate pretest (diamond).

COMPLIANCE REVIEW FINDINGS

FEDERAL GRANT PROGRAMS SECTION

Workforce Investment Act (WIA)

43.	Can the teacher generate a Student Gains by Class Report? Can you produce five student Entry/Update records and Pre/Post Test records? (Check reports with Student Gains by Class Report and Student Lister. Dates, testing books, and scores should match between records)	Yes	This report is given to the teachers to account for the students learning gains. All records matched. Mr. Ogden and Ms. Perez are dedicated Comprehensive Adult Student Assessment System Coordinators.
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CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF AUDITS AND COMPLIANCE

REPORT OF FINDINGS

INMATE
APPEALS

SALINAS VALLEY STATE PRISON

MARCH 23 THROUGH MARCH 27, 2009

PRELIMINARY



CONDUCTED BY

INMATE APPEALS BRANCH

INMATE APPEALS AUDIT EXECUTIVE SUMMARY

Salinas Valley State Prison
March 23 - 27, 2009

This Executive Summary provides the area and a brief description of the findings of the Inmate Appeals Audit. Complete details will be provided in the Final Report. The findings have been discussed with the Appeals Office staff.

The findings in this Inmate Appeals Audit resulted in an overall score of 95. All areas and their results are listed below.

Eloy Medina, Correctional Counselor II (C-II), and Phillip Nickerson, CC-II(A), assigned to the Appeals Office, are experienced and knowledgeable in all facets of the appeals process. The Appeals Office support staff, Valerie Hernandez and Vivan Duran, were helpful to the Audit team. They were able to locate documents needed for the Review and provide information to assist the Audit team. It was indeed a pleasure to work with Eloy, Phillip, Valerie, and Vivan in the Appeals Office.

OVERALL RATING	95
A. ACCESS TO INMATE APPEALS	100
B. TRACKING/FILING APPEALS	89
C. PREPARATION OF APPEALS	86
D. TIMEFRAMES	90
E. APPEAL RESPONSES	96
F. SPECIALIZED PROCESSING OF APPEALS	100
G. TRAINING and OFFICE STAFFING	100
H. CURRENT OVERDUE APPEALS	100

Corrective Action areas are:

B. Tracking/Filing Appeals

2. The low score in this area is due to the Facilities not providing a complete copy of the appeal packets to the Inmate Appeals Office. SVSP's process is to have the facilities provide two copies of the completed appeal to the Inmate Appeals Office. However, there is no quality control to ensure all portions of the appeal and documents are attached and/or copied.

Pursuant to DOM section 54100.3, appeal forms must be copied on both sides and supplemental documents attached for all appeal files.

3. Does the institution implement an appeal decision (granted or granted in part) modification order within 90 days?

The low score is due to the modification orders not being completed in a timely manner.

Pursuant to CCR 3084.5(i), institutions must implement an appeal decision (granted or granted in part) modification order within 90 days.

C. Preparation of Appeals

1. Are inmates interviewed at the first level of review or at second level if first level is waived?

The low score in this area is due to the Appeals Coordinators failing to document the interview of the inmates in their second level appeal responses for disciplinary appeals. There is also a discrepancy in the format of how the Appeals Coordinators document their interview versus the facility's format. The formatting of the appeal responses must be standardized to ensure compliance with regulatory statutes.

Pursuant to CCR 3084.5(f) and DOM section 54100.14, the inmate must be interviewed at the first formal level of review, or the second level if the first level waived.

2. Do the dates on the appeal correspond with the dates on the IATS?

The low score in this section is due mostly to the 602 original due dates and completion dates being changed which differ from the date on the 602 and the IATS. There were some instances where the date completed on the 602 by the reviewer, the date stamped received by the Appeals Office, and the date completed on the IATS, did not agree.

Pursuant to DOM section 54100.9, the dates entered into the IATS must correspond with the dates on the inmate appeal form.

3. The lower score in this question is the result of the dates missing on the 602s. Most appeals were missing the “Returned to Inmate” date, and a few of the appeals reviewed did not include the “assigned” and “due” dates on the appeal forms.

Pursuant to DOM section 54100.3, the CDC Form 602 must be complete including the dates and signatures.

D. Timeframes

1. Are appeals being assigned at each level within five working days of receipt in the Appeals Office?

Several appeals reviewed showed only an assigned date, and lacked a “received date,” therefore the Auditor assumed the appeals were not assigned within five days of receipt. On other appeals, the 602s were not assigned within the five working days of the date stamp indicating arrival in the Appeals Office.

Pursuant to DOM section 54100.9, appeals are to assigned at each level within five working of receipt in the Appeals Office.

2. Are informal appeals completed within ten working days?

The low score in this area is due to date received not being filled in on the 602 Form.

Pursuant to CCR section 3084.6(b)(1), all informal level appeals are to be completed within ten working days.

3. Are first-level responses completed within 30 working days?

Several of the late appeals did not have the late notification attached to the 602 packet, indicating the reason for the overdue appeal. Therefore, these appeals were listed as overdue.

Pursuant to CCR section 3084.6(b)(2), all first level appeal responses are to be completed within 30 working days.

4. Several of the overdue appeals did not have an explanation contained in the 602 packet, and were deemed to be overdue.

Pursuant to CCR section 3084.6(b)(3), second level appeal responses are to be completed within 20 working days, or 30 working days if the first level is waived.

E. Appeal Responses

1. Many first level responses did not restate the appeal issues when they were handwritten on the appeal.

Pursuant to CCR section 3084.5(g) and DOM section 54100.15, the institution must prepare a written response at the first level of review stating the appeal issue.

2. Many first level responses did not state the reason for the appeal decision that was rendered. The first level's of review were to brief, lacked research, and often times the CCR section was quoted as the sole response without providing a nexus for the decision rendered.

Pursuant to CCR section 3084.5(g) and DOM section 54100.15, the institution must prepare a written response at the first level of review for the reasons for the specific decisions being rendered.

INMATE APPEALS AUDIT

Salinas Valley State Prison

March 23 – March 27, 2009

Reviewer: S. Wright, Facility Captain, Inmate Appeals Branch
H. Wagner, Correctional Counselor II, High Desert State Prison

SUMMARY CHART

AREA REVIEWED	COMPLIANCE RATING 2009	
	Percentage	Page No.
OVERALL RATING	95%	1
A. ACCESS TO INMATE APPEALS	100%	2 -3
B. TRACKING/FILING APPEALS	89%	4
C. PREPARATION OF APPEALS	86%	5
D. TIMEFRAMES	90%	6
E. APPEAL RESPONSES	96%	7
F. SPECIALIZED PROCESSING OF APPEALS	100%	8
G. TRAINING and OFFICE STAFFING	100%	9
H. OVERDUE APPEALS	100%	10

SVSP

March 23 – March 27, 2009

Page 1

Salinas Valley State Prison

March 23 – March 27, 2009

INMATE APPEALS AUDIT

The findings in this Inmate Appeals Compliance Review resulted in an overall score of 95%. All areas are listed below with applicable notations.

It should be noted that staff interviewed were knowledgeable and familiar with the established departmental and institutional policies and procedures relative to the appeals process. Valerie Hernandez, Office Technician, Vivan Duran, Office Technician, Eloy Medina, Correctional Counselor II, Phillip Nickerson, Correctional Counselor II (A), currently assigned in the Appeals office is experienced and knowledgeable in all facets of the appeals process. However, CC II Nickerson is new to the Appeals Office with two weeks experience and appears to be experienced and familiar with the inmate appeals process. The current staff were able to locate documents needed for the Review and provide information in a timely manner. It was indeed a pleasure to work with the current Appeals Office staff.

The specific sections and their corresponding questions and scores are identified below.

Copies of the Inmate Appeals Worksheets are available upon request.

A. ACCESS TO INMATE APPEALS: Section Rating: 100

- 1) Do the law libraries, general population, and special housing units have the appropriate forms available on request from the inmate? [CCR 3084.1 (c)]**

29 sample # 29 # correct = 100 % Question Rating: 50 Score: 50

Most housing units and the library had a good supply of both CDC form 602s (Spanish and English), 602 HCs, and 1824s. Staff were very helpful in providing these forms to the Review Team.

- 2) Does the institution provide inmate access to the California Code of Regulations (CCR), Department Operations Manual (DOM), Section 54100, Inmate/Parolee Appeals, and any facility appeal supplement in each inmate law library? [DOM Section 53060.11,54100.3]**

7 sample # 7 # correct = 100 % Question Rating: 10 Score: 10

SVSP

March 23 – March 27, 2009

Page 2

- 3) Does the institution provide the orientation inmates a written summary of the inmate's right to appeal and appeal procedures? [CCR 3002(a)(2)]**

Yes

Question Rating: 20

Score: 20

While in Receiving and Release (R&R,) upon arrival, the inmates at SVSP are provided a "Fish Kit," which includes an Orientation Handbook and a California Code of Regulations, Title 15 (CCR). The Inmate Appeals Process is explained in both of these booklets. The inmates are also provided an opportunity to view a video which contains the appeal process from the orientation handbook which is provided in verbal, written and sign language.

- 4) Does the institution provide the orientation inmates verbal staff instruction regarding the inmate's right to appeal and appeal procedures? [CCR 3002(a)(2)]**

Yes

Question Rating: 20

Score: 20

The orientation process for SVSP is excellent

- 5) Does the institution provide the CDC Form 602 in both English and Spanish?**

Yes

Question Rating: 0

SECTION POINT TOTAL

100

INMATE APPEALS AUDIT FINAL REPORT

SVSP

March 23 – March 27, 2009

Page 4 of 11

B. TRACKING AND FILING APPEALS

Section Rating: 89

- 1. Does the Inmate Appeals Office utilize the automated Inmate Appeals Tracking System (IATS) to record all appeals received at the formal levels? [DOM Section 54100.9]**

Yes

Question Rating: 15 **Score: 15**

- 2. A review of the appeals files indicate the appeal forms have been copied on both sides and supplemental documents are attached? [DOM Section 54100.3]**

100 sample # 72 # correct = 72 % Question Rating: 25 **Score: 18**

The low score in this area is due to the Facilities not providing a complete copy of the appeal packets to the Inmate Appeals Office. SVSP's process is to have the facilities provide two copies of the completed appeal to the Inmate Appeals Office. However there is no quality control to ensure that all portions of the appeal and documents are attached and/or copied.

- 3. Does the institution implement an appeal decision (granted or granted in part) modification order within 90 days? [CCR 3084.5(i)]**

129 sample # 107 # correct = 83 % Question Rating: 25 **Score: 21**

The low score is due to the modification orders not being completed in a timely manner

- 4. Is there a procedure and tracking system in place for noticing Administrative Staff of overdue appeals?**

[CCR 3084.6, DOM 54100.12]

Yes

Question Rating: 35 **Score: 35**

SECTION POINT TOTAL 89

INMATE APPEALS AUDIT FINAL REPORT

SVSP

March 23 – March 27, 2009

Page 5 of 11

C. PREPARATION OF APPEALS	Section Rating	88
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- 1) Are inmates interviewed at the first level of review or at second level if first level is waived?** [CCR 3084.5 (f) and DOM 54100.14]

100 sample # 93 # correct = 93 % Question Rating: 25 **Score: 23**

The low score in this area is due to the Appeals Coordinators failing to document the interview of the inmates in their Second Level Appeal Responses for Disciplinary Appeals. There is also a discrepancy in the format of how the Appeals Coordinator document their interview versus the facility's format. The formatting of the appeals responses must be standardized to ensure compliance with regulatory statutes.

- 2) Do the dates on the appeal correspond with the dates on the IATS?**
[DOM Section 54100.9]

100 sample # 79 # correct = 79 % Question Rating: 25 **Score: 20**

The low score in this section is due mostly to the 602 original due dates and completion dates being changed which differ between the date on the 602 and the IATS. There were some instances where the date completed on the 602 by the reviewer, the date stamped received by the Appeals Office, and the date completed on the IATS did not agree.

- 3) A review of the appeals indicate they are complete, all dates included and signatures included (all blanks filled in appropriately on the CDC Form 602)?** [DOM Section 54100.3]

100 sample # 80 # correct = 80 % Question Rating: 25 **Score: 20**

The lower score in this question is the result of dates missing on the 602s. Most appeals were missing the "Returned to Inmate" date, and a few of the appeals reviewed did not include the "assigned" and "due" dates on the appeal forms.

- 4) Is there evidence that appeal decisions are reviewed by the institution head or his/her designee?** ?[CCR 3084.5(e)(1)]

92 sample # 91 # correct = 99 % Question Rating: 25 **Score: 25**

SECTION POINT TOTAL 88

INMATE APPEALS AUDIT FINAL REPORT

SVSP

March 23 – March 27, 2009

Page 6 of 11

D. TIMEFRAMES

Section Rating: 90

- 1) Are appeals being assigned at each level within five working days of receipt in the Appeals Office? [DOM 54100.9]

100 sample # 84 # correct = 84 % Question Rating: 25 Score: 21

Several appeals reviewed showed only an assigned date, and lacked a “received date,” so the Auditor assumed the appeals were not assigned within five days of receipt. On other appeals the 602s were not assigned within the five days of the date stamp of arrival in the Appeals Office.

- 2) Are informal appeals completed within ten working days?
[CCR 3084.6 (b)(1)]

16 sample # 14 # correct = 88 % Question Rating: 25 Score: 22

The low score in this area is due to date received not being filled in on the 602

- 3) Are first-level responses completed within 30 working days?
[CCR 3084.6 (b)(2)]

67 sample # 60 # correct = 90 % Question Rating: 25 Score: 23

Several of the late appeals did not have the notification to the inmate attached, and therefore, were listed as being overdue.

- 4) Are second-level responses completed within 20 working days, or 30 working days if first level is waived pursuant to section 3084.5(c)? [CCR 3084.6 (b)(3)]

92 sample # 88 # correct = 96 % Question Rating: 25 Score: 24

As stated previously, these overdue appeals did not have an explanation contained in the 602 package, and therefore were deemed to be overdue.

SECTION POINT TOTAL 90

INMATE APPEALS AUDIT FINAL REPORT

SVSP

March 23 – March 27, 2009

Page 7 of 11

E. APPEAL RESPONSES

Section Rating: 96

- 1) Does the institution prepare a written response at the first level of review stating the appeal issue?**

[CCR 3084.5 (g) and DOM 54100.15]

67 sample # 60 # correct = 90 %

Question Rating: 25 **Score: 23**

Many FLR did not restate the appeal issue when they were handwritten on the 602.

- 2) Does the institution prepare a written response at the first level of review stating the reasons for the specific decision being rendered?** [CCR 3084.5 (g) and DOM 54100.15]

67 sample # 65 # correct = 90 %

Question Rating: 25 **Score: 23**

Many FLRs did not state the reason for the appeal decision that was rendered. In addition, the First Levels were too brief, no research indicated, and the CCR section was quoted as the sole response without providing a nexus for the decision rendered.

- 3) Does the institution prepare a written response at the second level of review stating the appeal issue?**

[CCR 3084.5 (g) and DOM 54100.15]

92 sample # 91 # correct = 99 %

Question Rating: 25 **Score: 25**

- 4) Does the institution prepare a written response at the second level of review stating the reasons for the specific decision being rendered?**

[CCR 3084.5 (g) and DOM 54100.15]

92 sample # 90 # correct = 98 %

Question Rating: 25 **Score: 25**

SECTION POINT TOTAL 96

INMATE APPEALS AUDIT FINAL REPORT

SVSP
March 23 – March 27, 2009
Page 8 of 11

F. SPECIALIZED PROCESSING OF APPEALS	Section Rating: 100
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STAFF COMPLAINTS
CDC FORM 1824s
APPEAL RESTRICTION

STAFF COMPLAINTS

- 1) When a staff complaint is filed against a Peace Officer, is notice given to that Peace Officer regarding the filing of the complaint? (Unit 6 Memorandum of Understanding, Section 9.09(D), Personnel Investigations.)

Yes Question Rating: 20 Score: 20

- 2) Is the institution keeping Staff Complaints for a period of five years? [DOM 54100.25.5 and Penal Code 832.5(b)]

Yes Question Rating: 20 Score: 20

- 3) Are all allegations of staff misconduct presented to the warden or designee for determination of the type of inquiry needed? [AB 05/03]

Yes Question Rating: 20 Score: 20

- 4) Are all allegations of staff misconduct presented to the warden or designee at least weekly? [AB 98/10]

Yes Question Rating: 20 Score: 20

APPEAL RESTRICTION

- 5) Is there evidence of authorization from Inmate Appeals Branch (IAB) to support each inmate placed on appeal restriction as listed on the IATS? [CCR 3084.4(3), (4)]

Yes Question Rating: 20 Score: 20

SECTION POINT TOTAL 100

INMATE APPEALS AUDIT FINAL REPORT

SVSP

March 23 – March 27, 2009

Page 9 of 11

G. TRAINING/OFFICE STAFFING

Section Rating: 100

- 1. Is there evidence that the Appeals Coordinator works with the In-Service Training (IST) officer to ensure that training on the appeals procedure is carried out? [DOM 54100.3]**

Yes

Question Rating: 20 **Score: 20**

- 2. Is there evidence that the Inmate Appeals Process training is provided to new supervisors during Supervisor's Orientation? [DOM 32010.10.2]**

Yes

Question Rating: 30 **Score: 30**

- 3. Is there an updated Inmate Appeals lesson plan, which identifies recent changes in Department policy? [DOM 32010.8.4, 54100.3]**

Yes

Question Rating: 30 **Score: 30**

- 4. If an inmate is assigned as a clerk in the unit, is he/she prevented from having access to the CDC Forms 602 at any level? [CCR Sections 3370(a) and 3041(e)(1)]**

Yes

Question Rating: 20 **Score: 20**

There is no inmate assigned in the Appeals Office

SECTION POINT TOTAL 100

INMATE APPEALS AUDIT FINAL REPORT

SVSP
March 23 – March 27, 2009
Page 10 of 11

H. OVERDUE APPEALS

Section Total: 90

- 1) What is the number of overdue First Level appeals and by how many days late?**
[CCR 3084.6, DOM 54100.12]

# of Days late	Number of Appeals	Pts	Point Deduction (Per appeal)
0-30 days	1	.25	.25
31-90 days	0	.50	
91-180	0	.75	
181+	0	1	

Question Rating: 50
Points deducted: .25
Score: 49.75

- 2) What is the number of overdue Second Level appeals and by how many days late?**
[CCR 3084.6, DOM 54100.12]

# of Days late	Number of Appeals	Pts	Point Deduction (Per appeal)
0-30 days	0	.25	
31-90 days	0	.50	
91-180	0	.75	
181+	0	1	

Question Rating: 50
Points deducted: 0
Score: 50

APPEALS OVERDUE FROM OTHER INSTITUTIONS (NOT COUNTED):

# of Days late	Number of Appeals	Pts	Point Deduction (Per appeal)
0-30 days	0	.25	
31-90 days	1	.50	.50
91-180	0	.75	
181+	0	1	

of Appeals: 1 **Points Deducted: .50** **Score: N/A**

SECTION POINT TOTAL 100

INMATE APPEALS AUDIT FINAL REPORT

SVSP

March 23 – March 27, 2009

Page 11 of 11

ADDITIONAL AREAS OF REVIEW: This portion of the audit tool has been added in September 2006. These areas of the institution will be reviewed for information gathering; however, scores will not be obtained.

1. Law Library access for SHU and ASU inmates:

- a) What is the process for allowing SHU and ASU inmates access to the law library?
[CCR 3122, 3160, 3164, 3343]

The ASU inmates submit a request, are scheduled, and are subsequently placed into holding cells located in the ASU Law Library. Inmates also receive requested materials for in cell studies.

- b) How often do these inmates have access to the law library?

Three days per week, Tuesday, Wednesday, and Thursday. Inmates are provided with their requested material for in cell study on Monday and Friday.

- c) How does access to the law library differ between General Library User (GLU) and Priority Library User (PLU) inmates?

PLU inmates receive two hours every Tuesday, Wednesday, and Thursday and GLU receive access whenever the library is scheduled to be open.

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF AUDITS AND COMPLIANCE

REPORT OF FINDINGS

ADMINISTRATIVE SEGREGATION
BED UTILIZATION REVIEW

SALINAS VALLEY STATE PRISON

MARCH 23 THROUGH MARCH 27, 2009

PRELIMINARY



CONDUCTED BY

CLASSIFICATION SERVICES

SALINAS VALLEY STATE PRISON

WEEK OF 3/23/09

ADMINISTRATIVE SEGREGATION BED UTILIZATION REVIEW

The Salinas Valley State Prison (SVSP) Administrative Segregation Unit (ASU) Bed Utilization Review was conducted during the week of 3/23/09 by E. C Donnelly, Correctional Counselor III, assisted by J. Cronjager, Facility Captain (FC) from the Substance Abuse Treatment Facility at Corcoran; J. Germond, FC from Corcoran State Prison and D. Baughman FC, from California State Prison, Sacramento.

The intent of this review is to provide an evaluation of bed utilization in the ASU. This assessment is intended to be used as a management tool by the institution to assist in identifying areas that could reduce time spent in ASU and overcrowding in ASU.

Attached is a breakdown of types of cases by CDC numbers that were reviewed by the team.

SAMPLE IDENTIFICATION

A total of **61** cases were reviewed. Of these cases:

39 were placed in Administrative Segregation based on a pending Disciplinary charge.

15 were placed in Administrative Segregation based on a pending investigation of Safety concerns/needs.

7 were placed in Administrative Segregation based on a pending investigation of Gang Status.

Does the institution use a comprehensive ASU tracking method that records the reason for ASU placement, track time periods for specific processes and total amount of time in ASU? Yes.

Comment: Although there is not a requirement that a system other than the Distributed Data Processing System (DDPS) be maintained, the DDPS capabilities are limited. A comprehensive ASU tracking system can identify a multitude of data fields, which can be customized by the needs of each specific institution. The tracking system can be very basic but still provide meaningful information that can significantly reduce workload. The system should be maintained in a format that can be sorted by specific areas to enable staff to easily identify possible problem areas at a quick glance.

GENERAL ASU CASE PROCESSING TIMES

Period from Initial Placement in ASU to CSR Review

California Code of Regulations (CCR) 3335(c)(1) requires that the Institution Classification Committee refer the case for Classification Staff Representative (CSR) review and approval when any case is retained in ASU for more than 30 days. When the initial ICC review determines that a case is not expected to be resolved within 30 days, referring the case to the CSR at the time of the initial hearing expedites this process and assures compliance with the regulations.

California Code of Regulations 3335(c) requires that inmates placed in ASU be seen by ICC within 10 days of placement.

Time from the date of placement in Administrative Segregation to the initial ICC referral for CSR Review ranged from **3** days to **16** days. Of the cases reviewed, 93.4% met this expectation.

It is the expectation that cases referred for ASU retention be presented to the CSR for review within 30 days of the Classification committee referral.

Time from the initial ICC referral for CSR Review to the actual CSR review ranged from **5** days to **46** days. Of the cases reviewed, 87% met this expectation.

When an ASU case is reviewed by a Classification Staff Representative (CSR), the CSR will indicate a time period in which the case must be presented again to a CSR for further review. The expectation is that all cases should be presented back to a CSR prior to the expiration of the ASU extension approved.

Of the 61 cases reviewed, there are **7** cases currently retained in ASU beyond the CSR approved retention date. This calculates to 88.6% compliance in this area.

There were no cases that have been in ASU over 30 days that do not have ASU extension approval. **(The expectation is there should be 0 cases in this category)**

DISCIPLINARY CASES

Hearing Timelines

Once a Rules Violation Report (RVR) has been issued, simply determining the time between

the issuance and the subsequent hearing does not provide an accurate measurement of the institution's efficiency in processing the case. This is due to the fact that the inmate may choose to postpone the hearing until after any District Attorney review/prosecution has occurred. Due to this factor, RVR processing must be categorized and examined separately.

RVRs heard without postponement

11 cases were examined.

Time from the date of the issuance of the RVR to the date the RVR was heard ranged from **3** days to **98** days.

RVRs heard with postponement pending DA action

15 cases were examined.

Time from the date of the completion of the DA action delaying the hearing to the date the RVR was heard ranged from 61 days to **137** days.

Post-Hearing Processing Timelines

Following the completion of the hearing by the disciplinary hearing officer or committee, there are no due process timeframes to interfere with rapid completion of the remainder of the disciplinary process. The time is measured from the hearing date through the ICC review. There are several reviews that must occur during this period. Each review is measured.

1 RVR was dismissed and **15** RVRs are still pending.

Hearing to Facility Captain Review:

Time from the date of the RVR hearing to the date the RVR was audited by the Facility Captain ranged from **4** day to **31** days.

Of the cases reviewed, 9.5 % met the 5 day Facility Captain review expectation. (The percentage is calculated by taking the number of cases meeting the criteria and dividing it by the total number of these cases reviewed. Example, if you looked at 50 cases and 42 met this criterion; you would divide 42/50 which would calculate to 84%).

(Per the Deputy Director memorandum dated March 26, 2003, the expectation is this time will be within 5 working days.)

Facility Captain to Chief Disciplinary Officer Review:

Time from the date the RVR was audited by the Facility Captain to the date the RVR was audited by the Chief Disciplinary Officer ranged from **1** day to **10** days.

Of the cases reviewed, 42 % met this expectation.

(Per the Deputy Director memorandum dated March 26, 2003, the expectation is this time will be within 3 working days.)

Chief Disciplinary Officer to ICC review:

Time from date the CDO audited the RVR to the case being reviewed by the ICC for the RVR ranged from **3** days to **84** days.

Of the cases reviewed, 44 % were seen in ICC within 14 days of CDO review.

(Per CCR 3335(d) (1) (2), upon resolution an ICC shall review the inmate's case within 14 days.)

Parole Violator Cases referred to the Board of Prison Terms (BPH) for review:

The number of parole violator (return to custody/ RTC) cases was insufficient to provide a fair review. Therefore, the time-frames related to BPH referrals, were not examined.

Incident Report Processing

Once an incident has occurred, the Incident Report must be prepared and completed. This timeline measures the process within the institution as it completes the report, forwards it to its Investigative Services Unit (ISU) and the subsequent response time from the office of the District Attorney (DA) or the ISU screen-out based on local agreement with the DA.

Incident Date to ISU Receipt of Incident Report:

Date from incident occurrence to the date ISU received the Incident Report ranged from **10** days to **95** days.

Of the cases reviewed, 8% met this expectation.

(Per the Deputy Director memorandum dated March 26, 2003 the complete package will be presented to ISU within 21 calendar days.)

ISU Receipt of Incident Report to Referral to DA/ISU Screenout:

Date from ISU receipt of Incident Report to referral to DA or ISU screen out ranged from **4** days to **98** days. **(Per the Deputy Director memorandum dated March 26, 2003 the expectation is the time should not exceed 5 working days.)**

DA Referral to Resolution:

Date from DA referral to either rejection or acceptance of the case ranged from 13 days to 54 days. **(This is one area that the institution has no definitive control over, however, it is suggested that the institution work closely with the DA's office to track the decision making process to resolution of either acceptance of the case for prosecution or rejection of the case for prosecution).**

SAFETY CONCERNS

When an inmate is placed into ASU based on safety concerns, which must be investigated, there are no due process time constraints that delay the resolution and completion of the investigation. The amount of time taken to complete this type of investigation varies and generally reflects the amount of resources utilized to conduct the investigation.

There were **14** cases reviewed that were placed in Administrative Segregation based on the need for investigation of safety concerns.

Investigation initiation to Completion:

Time from the date of referral to staff for investigation to the date the investigation was concluded ranged from **27** days to **100** days.

Of the cases reviewed, 28.6% of these cases had investigations that concluded within 30 days.

(Per the Deputy Director memorandum dated March 26, 2003 the expectation is this time should not exceed 30 calendar days)

Investigation Completion to ICC Review:

Time from conclusion of the investigation to ICC review of investigation results ranged from **6** day to **66** days.

Of the cases reviewed, 25% met this expectation.

(Per CCR 3335(d) (1) (2), upon resolution an ICC shall review the inmate's case within 14 days.)

GANG INVESTIGATION/VALIDATION/DEBRIEFING

When an inmate is placed into ASU based on the need for investigation of gang activity, there are no due process time constraints, which delay the resolution and completion of the investigation. This timeline measures the amount of time taken to complete this type of

investigation, the review by the Law Enforcement Liaison Unit (LEIU) and the time to review and conclude the issue by ICC and CSR.

There were **7** cases reviewed that were placed in Administrative Segregation based on Gang Investigation/Validation/Debriefing.

ASU Placement to Referral to IGI for Investigation:

Days from ASU placement to IGI investigation assignment being received by IGI ranged from **7** day to **62** days.

Initiation of IGI investigation to Conclusion of Investigation:

Days from IGI investigation assignment to receipt of completed investigation ranged from **27** days to **151** days.

Conclusion of Investigation to ICC Review:

This area was not evaluated as the case worksheets and corresponding EXCEL program were not designed to capture this updated information. For informational purposes:

Per CCR 3335(d) (1) (2), upon resolution an ICC shall review the inmate's case within 14 days.

NUMBER OF INMATES IN ASU ENDORSED & AWAITING TRANSFER

Documentation presented by Records staff indicates that there are **68** cases that are currently endorsed and awaiting transfer that are housed in ASU. These cases have been endorsed for transfer from **4** to **360** days ago. Inmate Root, K-35651 was originally endorsed for PBSP-SHU on 4/1/08.

GENERAL OBSERVATIONS

Several areas of concern were discovered in the processing of RVR's. Several staff persons were interviewed, including disciplinary officers and Correctional Counselor II's.

1. Very few RVR's were signed off by the FC within the 5 day period after adjudication. Closer monitoring of the typing of the completed RVR may be necessary in cases where they are typed by inmates. Priority typing of the completed RVR's should be given to SHO's who will be off duty the next day. It was discovered that some SHO's type their own adjudicated RVR's which result in quicker routing to the FC.
2. The time lag from CDO signature to ICC was found to be excessive and appears to be caused by the routing of the RVR once it has been signed by the CDO and the inmate has been given his copy. At this juncture, the disciplinary officer either gives them to

the Facility CC-II or returns them to Records for filing. This is a serious issue because the ASU CC-II is often unaware that the RVR has been adjudicated until he/she pulls the file for ICC preparation near the end of the extension. On one facility, the disciplinary officer gives the completed RVR's to the CC-II who in turn removes the shuable RVR's and places them in the ASU CC-II's mailbox. A consistently applied, uniform process that places the completed RVR in the hands of the ASU CC-II's would be most beneficial. It may also be beneficial for ASU CC-II's to have access to the Correctional Institution Information Management System (CIIMS) to be able to check the status of RVR's at different stages. The CC-II could spot unnecessary delays and use the information to start preparing the case for ICC.

3. Another area of concern is the notification of the Investigative Services Unit by the Facilities of offenses referable to the District Attorney. The overwhelming majority of incident reports were not received by ISU in the required 21 day period. Although there was one form in a C-file where ISU made numerous requests to the facility for information, it appears that the ISU is totally reliant on the facility to send the incident report to ISU if a DA referral is to be made. Case in point: Inmate Mendoza, T-07882, postponed his RVR for battery on an inmate with weapon pending DA decision but after 85 days in ASU, ISU has yet to receive the IR on the case.
4. Finally, of particular concern were the delays in assigning investigators to cases that involved safety concerns. The method of assignment with clear objectives\expectations with timelines should to be taken into account when assigning investigators. The expectations also need to include assignment due by dates and a mechanism for supervisory follow-up.

The addressing of these issues above could result in ICC appearances occurring sooner, thus starting the chain of events that would result in the inmate leaving ASU sooner.

SVSP staff was most helpful and cooperative in supplying information, documents and central files related to this audit. Their assistance was greatly appreciated. The work area in IST and in the CSR room for the auditors was very clean and this was also appreciated.

DISCIPLINARY

CDC #	Days From 114D to Initial CSR Referral	Days From Initial ICC Referral To CSR Review	Expiration Date Of Current CSR ASU Extension	If ASU Extension Has Expired, By how Many Days?	Date of RVR	Charge	Postponed Pending DA	Days From RVR to Hearing	Days from Hearing to Captains Review	Days from Captain's Review to CDO Review	Days from CDO Review to ICC Review	Days from Incident to ISU Receiving 837	ISU Receipt to DA Screenout or Referral	Days from referral to DA Accept/ Reject/ Pending	Accepted/ Rejected	Total Days since Initial ASU Placement	Comments
F86475	6	18	4/3/09	0	11/27/08	Poss. Of Wpn.	No	9	4	1	Unk	Unk	Unk	Unk	N/A	116	Currently pending SHU assessment by ICC.
J28383	7	20	1/25/09	58	11/19/08	Battery on IM	Yes	61	8	1	8	23	0	N/A	N/A	125	Pending 2/5/09 ICC action for SHU audit.
V41786	8	20	4/7/09	0	10/1/08	Battery on a P.O.	Yes	137	22	1	Unk	14	98	0	Reject	174	Pending ICC review for SHU assessment
G15830	14	46	5/9/09	0	10/17/08	Poss. Of Wpn.	No	90	12	8	29	34	55	16	Reject	159	RVR was reissued. Heard.
V46205	3	33	7/7/09	0	12/28/08	Battery on IM w/wpn.	UNK	N/A	N/A	N/A	N/A	Unk	Unk	Unk	Unk	86	RVR is pending. ISU has not rec'd info to make referral.
F11777	5	18	4/14/09	0	10/11/08	Poss. Of Wpn.	Yes	N/A	N/A	N/A	N/A	39	51	54	Reject	164	RVR is pending adjudication.
K-27363	7	18	6/26/09	0	10/2/08	Battery on a P.O.	Yes	N/A	N/A	N/A	N/A	13	76	43	Accept	173	Court action ongoing.
P85444	13	5	2/25/09	27	11/4/08	Battery on IM.	No	98	9	4	3	N/A	N/A	N/A	N/A	137	ICC released IM to GP on 2/26/09 pending bed availability.
P16019	4	20	9/3/09	0	10/5/08	Battery on IM with weapon	Yes	N/A	N/A	N/A	N/A	10	86	N/A	0	170	Currently pending DA decision.
P30334	8	18	6/2/09	0	11/26/08	Poss. Of Wpn.	UNK	N/A	N/A	N/A	N/A	61	16	27	Accept	118	RVR/Court action pending.
T63504	6	25	3/18/09	6	12/12/08	Overfamiliarity	N/A	16	9	5	18	N/A	N/A	N/A	N/A	102	Endorsed to RJD-IV SNY on 2/9/09.
G02549	11	25	7/7/09	0	12/28/08	Battery on IM with weapon	UNK	N/A	N/A	N/A	N/A	N/A	N/A	0	0	86	No referral made by ISU because info not received. RVR pending.
V34871	6	19	5/25/09	0	11/20/08	Poss. Of Wpn.	Yes	123	N/A	N/A	N/A	18	58	14	Reject	124	RVR reduced to Poss of Contraband. Pending ICC. RVR not in file yet.
T86813	6	19	5/22/09	0	11/20/08	Poss. Of dangerous Contraband.	Yes	105	8	4	N/A	N/A	N/A	N/A	N/A	124	Originally charged with poss. of wpn. Pending ICC.
V97566	8	11	4/17/09	0	12/2/08	Threatening staff.	No	3	5	1	84	N/A	N/A	N/A	N/A	111	0
K48858	8	12	6/16/09	0	12/23/08	Threatening staff.	No	30	19	10	6	N/A	N/A	N/A	N/A	91	Endorsed COR-SHU
D35741	5	25	3/18/09	6	12/13/08	Part. In Riot	Yes	62	31	0	N/A	26	27	13	Reject	101	Released to GP. SHU assessment to be done in GP ICC.
E01455	10	11	4/15/09	0	11/3/08	Threatening an inmate.	N/A	39	26	1	7	N/A	N/A	N/A	N/A	141	Rec'd additional RVR for threat to an inmate dated 1/15/09.
H93414	5	12	4/30/09	0	12/26/08	Indecent exp.	UNK	N/A	N/A	N/A	N/A	17	16	21	Reject	88	Has pending RVR's dated 1/27/09 for battery on staff. RVR dated 1/27/09 for Batt. On staff. 1/22/09 RVR for poss of contraband and 12/26/08 RVR for dangerous contraband.

DISCIPLINARY

[illegible]

SAFETY

[illegible]

GANG

[illegible]

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF AUDITS AND COMPLIANCE

REPORT OF FINDINGS

RADIO
COMMUNICATIONS

SALINAS VALLEY STATE PRISON
MARCH 23 THROUGH MARCH 27, 2009

The seal of the California Department of Corrections and Rehabilitation is a circular emblem. It features a green outer ring with the text "DEPARTMENT OF CORRECTIONS AND REHABILITATION" at the top and "STATE OF CALIFORNIA" at the bottom, separated by two stars. The center of the seal depicts a golden scale of justice and a map of California.

PRELIMINARY

CONDUCTED BY

TELECOMMUNICATIONS

Radio Communication Compliance Review
Salinas Valley State Prison
Exit Conference Discussion Notes
March 23-27, 2009

The Office of Audits and Compliance (OAC) and the Radio Communication Unit (RCU) conducted a Radio Communication Security Compliance Review of Salinas Valley State Prison the week of March 23, 2009. review covered 28 different areas.

The chart below details these outcomes.

FINDINGS SUMMARY:

		Compliant	Partial Compliance	Non Compliant
1	Radio Liaison Identified?	C		
2	Inventory System in Place?	C		
3	All Radios Accounted for?	C		
4	Radio Matrix in place?	C		
5	Repair Procedure?	C		
6	Repair Tracking?	C		
7	Battery Management in Place?	C		
8	Proper usage of Battery Management?	C		
9	Inmate Access to Radios?	C		
10	Radio Vault Secured?	N/A		
11	Intrusion alarm on Radio Vault?	N/A		
12	Authorization to enter Vault?	N/A		
13	Key to Vault Secured?	N/A		
14	Vault key access for DGS-TD Tech?	N/A		
15	Site Lens Computer Secured?	C		
16	Procedure to operate Site Lens?	C		
17	Staff to operate Site Lens?	C		
18	System Watch/SIDR Training?	C		
19	Chit System in place for Radios?	C		
20	Other Radios on grounds?	C		
21	Scanners on Grounds?	C		
22	Who do you contact for System Malfunction?	C		
23	Steps taken when System Fails?	C		
24	Staff have knowledge on Radio Fail-Soft?	C		
25	Staff have knowledge of RCU Staff?	C		
26	Off Grounds Communication?	C		
27	Working CLERS System?	C		
28	Working CMARS System?	C		
Total		23		

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF AUDITS AND COMPLIANCE

REPORT OF FINDINGS

CASE RECORDS

SALINAS VALLEY STATE PRISON
MARCH 23 THROUGH MARCH 27, 2009



PRELIMINARY

CONDUCTED BY

CASE RECORDS ADMIN

SALINAS VALLEY STATE PRISON COMPLIANCE REVIEW

Correctional Case Records Services lead a three member team comprised of Kathy Moore, Correctional Case Records Administrator, Julie Cervantes, Correctional Case Records Manager, California Correctional Institution – Reception Center and Bobbi Buford, Correctional Case Records Supervisor, Corcoran State Prison to conduct a compliance review March 23 - 27, 2009 of specific areas within the Salinas Valley State Prison records office.

Administrative staff and the Correctional Case Records Manager's were aware of this review in advance and all staff was cooperative and assisted with providing information to the review team when requested.

The two primary areas reviewed were:

1. Holds, Warrants and Detainers (HWD)
2. Warden's Checkout Order (CDC 161)

An overview of the findings in the review process is outlined in this document.

This review consisted of 30 Central Files of recently paroled inmates and 35 additional Central Files for HWD purposes for a total of 65 Central Files reviewed.

HOLDS, WARRANTS AND DETAINERS (HWD)

Reference: DOM Section 72040.5.1 & 72040.5.3

"The HWD Coordinator shall prepare letters of inquiry or initiate teletype requests to resolve potential holds based on the CDC Form 850s completed by institution staff and complete necessary follow-ups on any communication received from law enforcement agencies. The CDC Form 850 shall be attached to the top of the detainer section of the Central File and all such actions shall be entered in the HWD log."

"The HWD Coordinator's initial request to obtain information shall be completed within two working days and follow-up at the 60-day and 10-day audits prior to release. Telephonic follow-up should be used at the 10-day audit."

"If a detainer exists or is believed to exist on an inmate, the HWD coordinator shall prepare a CDC Form 850 documenting the pertinent facts, and immediately contact the designated staff person responsible for evaluating the potential detainer..."

Reference: DOM Section 72040.6.1 & 72040.6.2 & CR 95/01 & CR 02/06

"If the detainer is from a California agency for untried charges, the inmate may request disposition of pending charges by filing a CDC Form 643,

**SALINAS VALLEY STATE PRISON
COMPLIANCE REVIEW**

Demand for Trial in accordance with the provisions of PC 1381.

“Case records staff shall mail the CDC Form 643 to the DA by certified mail, return receipt requested”.

“PC 1381 stipulates a person must be brought to trial within 90 days after written notification of the place of confinement. The 90-day period starts the day the DA acknowledges receipt of the CDC Form 643”.

“If the inmate is not brought to trial at the conclusion of the 90-day period, case records staff shall prepare:

A CDC Form 668, Affidavit in Support of Motion to Dismiss Pending Charges.

A CDC Form 669, Motion to Dismiss Criminal Charges Pending.

A CDC Form 670, Order of Dismissal.

A CDC Form 1006, Cover Memo - Motion to Dismiss.

All of these forms shall be forwarded to the court having jurisdiction of the Matter”

CDC Form 643, Requesting Disposition of Untried Charges in accordance with Penal Code (PC) Section 1381.

Reference: DOM Section 74020.6.2

“When a detainer for untried charges is lodged by an agency of the federal government or an agency of a member state of the interstate agreement on detainers (IAD), the interstate form provided shall be used to notify the inmate of the detainer and to request disposition of the pending charges”.

“PC 1389 provides for the surrender of temporary custody of a prisoner to the jurisdiction of the federal government or another state which is signatory to the IAD where they are wanted for prosecution, except Louisiana and Mississippi”.

“If the inmate demands trial and waives extradition by executing Form II, a court arraignment is not required and case records staff shall proceed on the basis of the inmate's demand for trial pursuant to PC 1389, Article III”.

Reference: DOM Section 72040.9

“When the records office receives notification that a detainer previously placed on an inmate has been dropped or expired, the HWD computerized history for that detainer shall be deleted”.

Desk Procedures for the HWD clerical staff were reviewed. Clerical staff was interviewed. They explained verbally the processes they are familiar with and when necessary they review procedures for those processes they are still

SALINAS VALLEY STATE PRISON COMPLIANCE REVIEW

learning. Both of the clerical staff on the HWD Desk are fairly new to this desk, however appeared to have a good grasp of their tasks, and are in the process of helping to update the desk procedures.

Of the thirty five cases reviewed there were seven cases where the team was unable to determine if the inquiries on Potential Holds are being sent out in two working days of receipt of the CDC 850. Staff are not entering the date on the CDC 850 they are forwarding to the HWD Desk. See listing of those cases reviewed:

F28211 Countryman
P83008 Vega
G21607 Thompson
V74395 Jones
P78559 Jones
H97057 Kuchenbecker
F47123 Martinez

The audit team was unable to determine in fourteen of the thirty five cases that the four (4) hour time frames for placing active holds, warrants and detainers are in compliance. The holds, warrants and detainers are not being date/time stamped when received in the records office. In some cases the CDC 850's are not reflecting the time they were entered into OBIS.

F45874 Amezcua
F39361 Ibarra
G21607 Thompson
V68415 Taravella
P83008 Vega
H97057 Kuchenbecker
V33174 Rowe
K28780 Reth
F12025 Fairfax
F28450 Torres
F49281 Hernandez
G11728 Berryhill
V85488 Nix
F35753 Martin

Of the thirty five cases reviewed there were seven cases where the CDC Form 661 was forwarded to the inmate, however the boxes which indicate the disposition the inmate is entitled to is not being checked. Also noted in two of the cases the signed copy of the CDC Form 661 has not been returned from the inmate. There were also two cases where a hold had been placed and were

**SALINAS VALLEY STATE PRISON
COMPLIANCE REVIEW**

reflected in ARDTS/OBIS, however there was nothing in the file indicating the inmate had been notified via the CDC Form 661. See case's listed below:

V33174 Rowe
F12025 Fairfax
F28450 Torres
F49281 Hernandez
P83008 Vega
K28780 Reth
F35753 Martin

Of the thirty five cases reviewed there was one case where there was no indication that the KCHD had been reviewed prior to the inmate's release to parole.

G31366 DeLeon

A timeserver tick system is maintained by the HWD clerical staff, however it is not being utilized as eight cases of the thirty five cases reviewed had not been deleted from the ARDTS/OBIS. See specific cases listed below:

T38504 Clark
G31366 DeLeon
G33648 Gogue
V85488 Nix
V74395 Jones
F45874 Amezcua
P78559 Jones
H97057 Kuchenbecker

Of the thirty five cases reviewed one case did not have the hold information deleted from OBIS upon parole. See listed case:

V12849 Jenkins

Of the thirty five cases reviewed there were three cases where the hold had expired and or the hold had been dropped and they had not been deleted from the KCHD. See listed cases:

V33174 Rowe
T38504 Clark
F45874 Amezcua

Of the thirty five cases reviewed there were seven cases where the CDC 144 Card and/or ARDTS was not updated See listed cases:

SALINAS VALLEY STATE PRISON COMPLIANCE REVIEW

V85488 Nix
G31366 DeLeon
P83008 Vega
T48665 Jackson
P78559 Jones
F45874 Amezcua
H97057 Kuchenbecker
V12849 Jenkins

GENERAL FINDINGS

In the Holds, Warrants and Detainer portion of the audit, 19 components were reviewed. There were eight areas listed below that need to be brought into compliance with the current policies and procedures as indicated in the above review portion of this report:

- Time frames between initiating the CDC 850 and forwarding the inquiry to the appropriate law enforcement agency.
- Completing the CDC 661 with the appropriate option to the inmate, including but not limited to, PC 1381, PC 1389 and PC 1203.02(a).
- Follow guidelines as outlined in the current desk procedures for the Extradition process.

Recommendations:

- At the time the CDC 850 is initiated for Potential Holds, a date should be reflected on the CDC 850. All staff who is responsible for initiating a CDC 850 should be trained how to complete the CDC 850 appropriately.
- Staff responsible for receiving any hold, wants, or detainer information to comply with the 4 hour requirements per policy and procedures need to insure these documents are date and time stamped upon receipt. Documenting warrant information on the CDC 850 should also include the time as well as the date into the HWD Actions by Case Records Staff for the OBIS (KCHD) Update entry. This would ensure compliance with the requirement that hold, wants and detainer information is being entered into OBIS within the 4 hours per policy and procedure. Also recommended is that the Case Records Office acquire a Date and Time stamp machine to accomplish this task.
- Training provided to all appropriate staff to insure the process for notifying inmate's that a hold, want or detainer has been initiated as well as a follow-up to insure a signed copy is returned from inmate acknowledging receipt. Also, the inmate should be advised via a CDC Form 661 of the appropriate options he can take to resolve the hold, want or detainer.

SALINAS VALLEY STATE PRISON COMPLIANCE REVIEW

- Training provided to appropriate staff to insure the computerized system (ARDTS/OBIS) are updated to reflect a hold, want and detainer have been dropped upon parole.
- Training needs to be provided to staff responsible for tracking the time server's to insure the information upon expiration has been deleted or removed from the computerized system (ARDTS/OBIS) when applicable.
- Additional training should be provided to the appropriate staff who are responsible for reviewing HWD information; either at intake, 60-day or parole to insure compliance with policy and procedures relative to accuracy of that information into the computerized system, i.e., entering holds, dropping holds or updating information as is needed.

WARDEN'S CHECKOUT ORDER (CDC 161)

Reference: DOM Section 74070.3

"...Paperwork and routine dress-out procedures on cases with release date on weekends or holidays shall be completed prior to the weekend or holiday."

"Prior to release of the inmate, records office staff shall prepare the CDC Form 161, Warden's Checkout Order, and arrange distribution as required by institution operations."

Reference: DOM Section 74070.21

"The following data shall be typed on the CDC Form 161:

- *Date of Release*
- *Type of Release*
- *CDC number*
- *Commitment name*
- *Controlling Discharge Date*
- *Name of parole unit and county of residence*
- *Parole Region*
- *Check off section to indicate that PC Sections 3058.6 and 3058.8 notifications have been sent.*

"The CDC Form 161 shall be typed by clerical staff. As part of the prerelease audit, the release of information on the form shall be verified at a level not less than that of a Case Records Analyst as the form is used by the institution as the source document for OBIS input and therefore, its accuracy determines the accuracy of parole information in OBIS"

Reference: Instructional Memorandum (CR 01/14)

"...The CDC Form 161, Warden's Check-out Order, shall indicate that a notice was sent pursuant to the applicable notification requirement..."

SALINAS VALLEY STATE PRISON COMPLIANCE REVIEW

“...the Warden’s Checkout Order must include a notation above the Case Records staff’s signature block which states PC 3058.6 and/or PC 3058.8 has been complied with or that PC 3058.6 and/or PC 3058.8 is not applicable.”

Central files were reviewed for inmates/parolees who were released from Salinas Valley State Prison during the preceding week of the review.

GENERAL FINDINGS

There were 30 cases reviewed and of the three (3) components reviewed all were found to be in Compliance.

STAFF VACANCIES

The vacancies are reported as follows:

One Office Technician – Recently acquired for Rutherford

One Case Records Technician – Recently acquired for SOMS

One Correctional Case Records Analyst – Waiting for backgrounds to clear

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF AUDITS AND COMPLIANCE

REPORT OF FINDINGS

RISK
MANAGEMENT
PROGRAMS

SALINAS VALLEY STATE PRISON

MARCH 23 THROUGH MARCH 27, 2009

The seal of the California Department of Corrections and Rehabilitation is a circular emblem. It features a green outer ring with the text "DEPARTMENT OF CORRECTIONS AND REHABILITATION" at the top and "STATE OF CALIFORNIA" at the bottom, separated by two gold stars. The center of the seal depicts a golden scale of justice and a map of California in orange.

PRELIMINARY

CONDUCTED BY

DESIGN STANDARDS AND REVIEW BRANCH

**OFFICE OF RISK MANAGEMENT
MARCH 2009 AUDIT**

SALINAS VALLEY STATE PRISON

EXECUTIVE SUMMARY

The Office of Risk Management (ORM) conducted an audit of the Worker's Compensation Program, Occupational Health and Safety Operations, Hazardous Materials and Fire, Life, Safety Systems from March 23 through March 25, 2009. The purpose of the audit/inspection was to determine the level of compliance with State, federal, and departmental rules, regulations, policies, and procedures. Auditors for this review included Fire Chief, Steve Mahoney and Lt. Kyle Starr

This was the first audit that the Office of Risk Management has conducted at Salinas Valley State Prison. Findings from the audit were presented to Warden Anthony Hedgpeth on March 25, 2009. The Office of Risk Management does not currently use a standard scoring system, therefore our audit findings do not reflect an overall score for the institution.

Elements Audited Related to Workers' Compensation

- Workers' Compensation Program
- Early Intervention Program
- Return-to-Work Program
- CAL/OSHA Log 300 Compliance
- Inmate Workers' Compensation Program

Elements Audited Related to Health and Safety

- Illness & Injury Prevention Program
- HCP (Hearing Conservation Prog)
- RPP (Respiratory Protection Prog)
- BBP (Blood Borne Pathogens Prog)
- BST (Basic Safety Training)
- HIP (Heat Illness Program)
- CSP (Confined Space Program)
- MWMAP (Cal Waste Management Act Program)
- ADAG (American with Disability Act Accessibility Guidelines Emergency Eye Wash Station)
- HIPAA (Health Insurance Portability & Accountability Act)
- CRFC (CA Retail Food Code)
- HCR (Hazardous Communication Regulation)

Elements Audited Related to Fire, Life, Safety Systems

- Training
- Equipment
- Fire Inspections
- Fire Suppression Equipment
- Hazardous Materials
- Response/Mutual Aid

Below are the audit findings, categorized under the following topics:

Category	Number of Findings
Workers' Compensation Inmate Claims	3
Fire, Life, Safety Systems – Equipment	1
Fire, Life, Safety Systems – Fire Suppression Equipment	1
TOTAL	5

This executive summary provides the category, a brief description of the finding, criteria, and recommended corrective action.

The SVSP is currently allocated 3 positions in the Return-to-Work/Workers' Compensation Program: An Associate Governmental Program Analyst (AGPA) that serves as the RTWC, a Staff Services Analyst (SSA) to serve as the IWCA, and an Office Technician (OT) that is responsible for tasks relating to the day-to-day administration of the Program. SVSP is currently in the process of hiring a Staff Services Analyst to fill the IWCA vacancy.

There is currently one (1) vacant Captain position within the SVSP Fire Department, and a second Captain position will be vacant as of May 1, 2009. There is also a vacant Associate HazMat Specialist (AHMS) position. The Institution's organization charts indicate that the AHMS position currently reports to the Chief, Plant Operations. During the meeting with Warden Hedgpeth, he was informed that the AHMS should be reporting to the Fire Chief, when the position is filled.

1. WORKERS' COMPENSATION – Inmate Claims

FINDING 1. The Return-to-Work Coordinator is not familiar with the necessary Labor Codes related to the inmate workers' compensation claims.

Criteria: DOM §31020.7.5.2. 31020.7.5.2.2, Labor Code 3365 (a) 3370, 3371

Risk/Impact: Cal OSHA fines could result if claims are not properly handled.

Recommendation: The Return-to-Work Coordinator should contact the HQ Workers' Compensation Program within the Office of Risk Management to obtain the necessary educational resources and consultation related to inmate claims.

2. WORKERS' COMPENSATION – Inmate Claims

FINDING 1. Log 300 is not posted for inmate claims at the end of the year.

Criteria: Title 8, CCR §14305

Risk/Impact: Should a Cal OSHA inspection occur, fines could be incurred if the Log 300 is not posted properly.

Recommendation: Through the audit, the inmate claims information are now posted and will be at the end of each year.

3. WORKERS' COMPENSATION – Inmate Claims

FINDING 1. Appropriate Workers' Compensation claim information is not being maintained in the inmate's Central File (C-File.)

Criteria: DOM §31020.7.5.2.2.3

Risk/Impact: Failure to properly maintain the C-file could result in critical information being lost should an inmate be relocated to a different institution

Recommendation: RTWC needs to ensure that copies of appropriate Workers' Compensation claim information is provided to the Case Records Manager for insertion in the inmate's C-File.

1. FIRE, LIFE, SAFETY SYSTEMS – Equipment

FINDING 1. Ladder testing is out-of-date.

Criteria: Annual testing required by National Fire Protection Act (NFPA) §5000

Risk/Impact: Equipment failure during an emergency could result in injury or loss of life to staff, inmates and the public, as well as property loss.

Recommendation: Secure funding for annual ladder testing to be performed by a certified vendor. Replace any ladders that are not in compliance.

2. FIRE, LIFE, SAFETY SYSTEMS – Fire Suppression Equipment

FINDING 1. Numerous false alarms occur as the result of errors in the alarm system in addition to inaccurate trouble indicators within the system.

Criteria: DOM §52090.7.4

Risk/Impact: Delayed and false responses to fire emergencies could result in unnecessary inmate program interruptions, injury, loss of life and property.

Recommendation: Secure funding to ensure that a proper evaluation of the alarm system is performed by a certified vendor to determine why errors are occurring and make necessary repairs.

The Office of Risk Management appreciates the opportunity to participate in the audit at Salinas Valley State Prison and would like to thank the staff for their assistance and cooperation. We are pleased to be available to assist in any way we can. Thank you.